

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
JIMMIE MECCYA WILLIAMS,

Plaintiff,

vs.

TADD LAZARUS, M.D., P.C, ET AL. and  
ST. CLARE'S HOSPITAL and HEALTH CENTER,

Defendants.

-----x  
Action No. 05 CV 5909

**DECLARATION OF RACHEL H.  
PORITZ, ESQ. IN FURTHER  
SUPPORT OF THE MOTION TO  
VACATE THE DEFAULT  
AGAINST DR. LAZARUS**

Rachel H. Poritz, Esq., an attorney duly admitted to practice before this Court, submits this declaration pursuant to 28 U.S.C §1746 and declares that the following is true and correct under the penalties of perjury:

- 1) I am an associate of the law firm of Silverson, Pareres & Lombardi, LLP attorneys for defendant, St. Clare's Hospital and Health Center, n/k/a St. Vincent's Midtown Hospital, M.D.
- 2) This declaration is respectfully submitted in further support of and in reply to plaintiff's opposition to defendant's motion to vacate the default of co-defendant Tadd Lazarus, M.D.
- 3) I have personal knowledge of the facts stated herein, and if called to testify as a witness, I could and would competently testify.
- 4) Attached hereto as EXHIBIT "A" is a true and correct copy of the deposition of plaintiff Jimmie Meccya Williams in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 2007

\_\_\_\_\_  
/s/  
Rachel H. Poritz (RP-7320)

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 JIMMIE MECCYA WILLIAMS,  
5 Plaintiff 05 Civ. 5909  
6 (HB)  
7 -against-  
8 TADD LAZARUS and ST. CLARE'S HOSPITAL  
and HEALTH CENTER,  
9 Defendants.  
10 November 17, 2006 \*  
11 10:05 A.M.

15 Deposition of JIMMIE MECCYA  
16 WILLIAMS, taken by the Defendants,  
17 pursuant to Court Order, held at the  
18 offices of Simpson, Thacher & Bartlett,  
19 LLP, 425 Lexington Avenue, New York, New  
20 York 10017, before Joseph Maltzmacher, a  
21 shorthand reporter and Notary Public  
22 within and for the State of New York.  
23  
24  
25

1 Williams 4  
2 JIMMIE MECCYA WILLIAMS,  
3 called as a witness, after having first been  
4 duly sworn by a Notary Public of the State of  
5 New York, was examined and testified as follows:  
6 EXAMINATION BY  
7 MR. SILVERSON:

8 Q. What is your name?  
9 A. Jimmie Meccya Williams.  
10 Q. Where do you reside?  
11 A. 20 West Walnut Street, Richwood,  
12 West Virginia 26261.  
13 Q. Good morning Mr. Williams, I'm  
14 going to be asking you some questions regarding  
15 the matter of Williams against St. Clare's  
16 Hospital and others.

17 If there is a question that I ask you  
18 that you don't understand or that needs  
19 repetition or clarification, please indicate  
20 that to me and I'll try to rephrase the question  
21 or ask another one.

22 If there is anything you don't understand  
23 or you want to confer with your attorney for any  
24 reason, please let me know and we'll stop the  
25 deposition at that point.

1 APP E A R A N C E S :

4 SIMPSON, THACHER & BARTLETT, LLP  
5 Attorneys for the Plaintiff  
6 425 Lexington Avenue  
7 New York, New York 10017  
8 BY: JOSHUA GELLER, ESQ.  
9 -and-  
10 EMMA LINDSAY, ESQ.

13 SILVERSON, PARERES & LOMBARDI, LLP, ESQ.  
14 Attorneys for Defendants  
15 300 East 42nd Street  
16 New York, New York 10017  
17

18 BY: ROBERT SILVERSON, ESQ.

1 IT IS HEREBY STIPULATED AND AGREED,  
2 by and among the attorneys for the respective  
3 parties here, that the sealing, filing and  
4 certification of the within deposition be  
5 waived; and that such deposition may be signed  
6 and sworn to before any officer authorized to  
7 administer an oath with the same force and  
8 effect as if signed and sworn to before the  
9 officer whom said deposition is taken;

10 IT IS FURTHER STIPULATED AND  
11 AGREED, that all objections, except as to form,  
12 are reserved to the trial;

1 Williams 5  
2 If you need a break for any reason please  
3 indicate that and we'll stop; is that  
4 understood?

5 A. Yes.  
6 Q. How long have you lived at the  
7 address that you've just given?  
8 A. I've lived at that address this  
9 particular time, since October of this year.

10 Q. Prior to that, where did you live?  
11 A. 311 1/2 Highland Street, Beckley,  
12 West Virginia.

13 Q. How long had you lived at that  
14 address?  
15 A. Seven months.  
16 Q. So that would be, if my math is  
17 correct, February or March of '06?  
18 A. Correct.  
19 Q. Somewhere in that time frame?  
20 A. Yes.  
21 Q. Is that a rental, is it an  
apartment or house?  
22 A. It's a one bedroom apartment over a  
two car garage.  
23 Q. Prior to that, where did you live?

24

25

Page 3

1 Williams 6  
2 A. P.O. Box 1, Huttonsville, West  
3 Virginia.  
4 Q. That's a Federal or state prison?  
5 A. It's a state prison.  
6 Q. When were you released from  
7 Huttonsville?  
8 A. August 8, 2005.  
9 Q. So from August 8 of 2005, you moved  
10 to Highland Street or somewhere else?  
11 A. Highland Street.  
12 Q. You then moved in October to  
13 Richwood, West Virginia; is that correct?  
14 A. That's correct.

15 Q. Was that an apartment or a home?  
16 A. That's a home.  
17 Q. Do you own that home?  
18 A. That residence belongs to my  
mother.

19 Q. Can I have your date of birth?  
20 A. 9/13/1963.  
21 Q. Your social security number?  
22 A. 089-56-5467.  
23 Q. Mr. Williams, I want to ask you  
24 some questions about your prior medical history.

Page 6

Williams 7  
In that regard, there was reference in some of your medical records to an accident or an incident that occurred in 1984 regarding your arms or an injury to your arms or your upper body somewhere. Can you tell me something about that?

A. I have never had an accident in '84. Can you clarify?

Q. Yes, I'll be glad to.

There are some records, I believe from one of the prison facilities that you were in, by way of medical history that you gave, indicating that you had numbness in your arms and there was an on or about date of 1984. Does that refresh your memory as to whether or not you sustained any injury to your arms at that time or close to that time?

A. In 1984 -- the only injury I sustained in 1984 was a burn that I obtained from doing construction.

Q. I believe you were an iron worker at one point?

A. Yes; that's correct.

Q. In the '80s?

Page 7

Williams 10  
Q. In terms of your arm, which arm was it that was injured?  
A. My right.  
Q. The extent of the injury was that arm casted, placed in a sling or anything else?  
A. No.

Q. Can you describe, if you recall, what sensations, if any, you were feeling in your arm or something else?

A. Pain.

Q. Did the therapy help the arm?

A. Yes.

Q. Did you have any reoccurrence of that injury in terms of future pain after that six week period?

A. None.

Q. Do you recall, was it in the early 1980s somewhere, in terms of time?

A. On or around the year of '85.

Q. I'm still referring to the 1980s.

At any time during the 1980s up until 1990, were you hospitalized for any medical condition?

A. Hospitalized for any medical condition, no. I don't recall.

Page 8

Williams 8  
A. Yes.

Q. Did you ever have any injury on-the-job where you were disabled for any period of time during the 1980s, more specifically injury to your upper body or to your arms?

A. There was another incident, yes.

Q. When was that?

A. I can't remember exactly what time, but I remember there was another injury.

Q. Can you describe for me in brief or in substance what that injury was?

A. It was my upper back.

Q. What else do you want to know?

Q. How did the injury occur?

A. The injury occurred when we had to move a girder. Now a girder is a beam that is constructed with rebar. At this particular time, I was the foreman on the job. This beam was 60 feet long. And you use a crane to move it. And the injury that I sustained was because the beam -- when the crane picks it up, it's like spaghetti, because it's so long. And as we were setting the beam in its form, I sustained

Williams 11  
Q. From, let's call it, 1985 to 1990

were you working in the construction field?

A. Yes.

Q. At any time during that period of 1985 to 1990, were you incarcerated for any reason?

A. 1985 to 1990, no.

Q. In terms of your emotional health during that time period, were you under the care or treatment of any mental health professional, either psychiatrist, psychologist or social worker for any condition?

A. Absolutely not.

Q. Did there come a time in 1990, that you were hospitalized for a suicide attempt?

A. Absolutely not.

Q. Did you ever tell anyone, either a medical professional or psychiatrist or psychologist, that you had been hospitalized and treated for depression and attempted suicide by taking an overdose of medication?

MR. GELLER: Object to the compound question. You can answer if you understand.

Page 9

Williams 9  
an injury to my upper back.

Q. Did the beam strike some part of your body?

A. The beam never touched me.

Q. Did you fall off, injuring your back?

A. No. What happened, it was basically trying to put a beam inside a girder. And it's moving like spaghetti and it's 60 feet long. And it's shaking. What happened, I would say, that it like jerked my arm to where my upper back was injured.

Q. Were you hospitalized or did you receive medical treatment for the injury?

A. Therapy.

Q. When you say therapy, meaning physical therapy?

A. Yes.

Q. For what period of time were you in therapy; in terms of weeks or months?

A. In terms of weeks, six weeks.

Q. Did you file a workers' compensation claim at that time for your injury?

A. No.

Williams 12  
MR. SILVERSON: Do you understand the question?

Q. I can shorten it if you would like.

A. Please.

Q. You indicated you were not under the care of a psychiatrist or a psychologist; is that correct, in the 1990 area, 1989, 1990, 1991?

A. I was not under the care of any psychiatrist or any other medical treatment program.

Q. Did there come a time on or about those dates, that you attempted suicide by taking pills?

A. During what year?

Q. More specifically to 1990, but if there is another time period that this occurred, I'm asking you if you have any recollection of that?

A. I have no recollection of ever trying to commit suicide.

Q. Did you ever tell anyone, at any of the correctional institutions that you were housed at, that you had attempted suicide in

1 Williams 13 Page 13  
 2 1990?  
 3 A. Absolutely not.  
 4 Q. From 1990 to 1993 were you still  
 5 working in the field of construction?  
 6 A. Repeat that question.  
 7 MR. SILVERSON: Would you read it  
 8 back.  
 9 (Whereupon, the prior question was  
 10 read back by the reporter.)  
 11 A. Yes.  
 12 Q. Where were you working, what part  
 13 of the country?  
 14 A. Dulles, West Virginia, outside of  
 15 D.C.  
 16 Q. During the years prior to that, had  
 17 you worked for the same company or were you  
 18 going to different jobs and working for  
 19 different employers?  
 20 A. I worked for the highest paid,  
 21 highest bidder.  
 22 Q. Were you a member of the iron  
 23 workers union?  
 24 A. Local 201.  
 25 Q. Did there come a time in the 1990s

1 Williams 16  
 2 A. It was program that you do six  
 3 months, come out, do shock parole. I didn't  
 4 want the program. After that, I went to  
 5 Dannemora. After Dannemora I went to Franklin.  
 6 From Franklin, I was released.  
 7 Q. Do you recall your release date?  
 8 A. No, I do not.  
 9 Q. Would it refresh your memory if I  
 10 told you it was in October of 1995?  
 11 A. No, it would not. It would not  
 12 refresh my memory.  
 13 Q. Would it be in the year of 1995  
 14 that you were released, you indicated it was a 1  
 15 to 3 sentence?  
 16 A. Yes.  
 17 Q. Did you serve roughly two-thirds of  
 18 that sentence?  
 19 A. Yes.  
 20 Q. Somewhere between 1994 and 1995 you  
 21 were released, would that be a fair statement?  
 22 A. I can't say if it would be fair.  
 23 Q. Do you have any documents that  
 24 would refresh your recollection?  
 25 I'll leave a blank space in the

1 Williams 14 Page 14  
 2 that you were arrested and convicted of a crime?  
 3 A. I'm not sure.  
 4 Q. By way of refreshing your  
 5 recollection, were you incarcerated at Rikers  
 6 Island in New York City on December 8, 1993; on  
 7 or about that date?  
 8 A. Yes.  
 9 Q. What were you either arrested for  
 10 and ultimately convicted of?  
 11 A. I don't know.  
 12 Q. Did there come a time that you were  
 13 sentenced, based on either a conviction or by  
 14 plea or by verdict to a term in jail?  
 15 A. Do you have an idea of what that  
 16 term was.  
 17 Q. I do. From December 22 of 1993 to  
 18 October of 1995, I believe starting at either  
 19 Oneida Correction and to Downstate and then  
 20 ultimately to Franklin.  
 21 A. Yes, I remember.  
 22 Q. Can you give me some detail of what  
 23 you were convicted for and what your sentence  
 24 was?  
 25 MR. GELLER: That calls for a

1 Williams 17 Page 17  
 2 transcript and request you fill in the date.  
 3 (INSERT)  
 4 Q. Do you have documents at home?  
 5 A. No, I do not.  
 6 Q. I'm just trying to establish when  
 7 you got out?  
 8 A. No.  
 9 Q. During the time that you were in  
 10 these various facilities, did you have any  
 11 medical problems at all?  
 12 A. I had blood in my urine.  
 13 Q. When was that?  
 14 A. That was when I was at shock. The  
 15 name of the facility I don't know.  
 16 Q. Did you receive medical treatment  
 17 for that condition?  
 18 A. No. I was just told not to work  
 19 out so hard.  
 20 Q. Did you have any complaints of  
 21 either chronic constipation or abdominal pain  
 22 during that time period?  
 23 A. Chronic constipation.  
 24 Q. When was that, if you can time  
 25 frame it; that was while you were in the

1 Williams 15 Page 15  
 2 narrative. Can you ask more specific  
 3 questions.  
 4 MR. SILVERSON: I can.  
 5 Q. What were you convicted for?  
 6 A. Welfare fraud.  
 7 Q. Was that a felony?  
 8 A. Yes.  
 9 Q. Were you sentenced to a term in  
 10 prison as a result of your plea to the welfare  
 11 fraud?  
 12 A. I was sentenced, yes.  
 13 Q. What was your sentence?  
 14 A. No less than 1, no more than 3.  
 15 Q. Was this in New York State or  
 16 someplace else?  
 17 A. This was right here in Manhattan.  
 18 Q. Where did you go by way of  
 19 correctional facilities?  
 20 A. I started out on Rikers Island.  
 21 Next stop was Downstate. After Downstate, it  
 22 was Oneida. After Oneida, I went to six months  
 23 shock camp, where it was located I can't  
 24 remember.  
 25 Q. That was a confined facility?

1 Williams 18 Page 18  
 2 facilities, correct?  
 3 A. The chronic constipation was during  
 4 the time that I was -- started around the time I  
 5 was at Oneida.  
 6 Q. Prior to that, did you have any  
 7 history in your background of having difficulty  
 8 with bowel movements or constipation?  
 9 A. Not that I can recall, no.  
 10 Q. So the condition started at Oneida  
 11 and then you were treated for the condition?  
 12 A. No.  
 13 Q. Did you take any medication to  
 14 relieve the constipation, such as milk of  
 15 magnesia or a laxative or something else?  
 16 A. Occasionally a laxative, yes.  
 17 Q. Did you ever make any complaints  
 18 during the time period you had this constipation  
 19 of hemorrhoids?  
 20 A. No.  
 21 Q. No, you didn't make any complaints,  
 22 or you don't recall?  
 23 A. No, I didn't make any complaints.  
 24 Q. Do you ever recall making a  
 25 complaint to someone at the correction facility

Williams 19  
that you hadn't had a bowel movement if 9 to days, does that refresh your memory?

A. Yes.

Q. Did you also at that same time indicate that you developed hemorrhoids as a result of constipation?

A. I have never made the assumption of having hemorrhoids. However, it was suggested to me that that maybe the problem.

Q. Did you ever make a complaint to anyone while at the correction facility with regard to the constipation, regarding finding blood in the toilet after you attempted to make a bowel movement?

A. Yes.

Q. Was it after that that they told you that it was possibly a hemorrhoidal condition?

A. I can't answer that. I don't know.

Q. Also, in either years between 1993 and 1995 while incarcerated, did you make any complaints of stomach pain and pain on the side of your body regarding your liver?

A. The only time that I can recall

Page 19

Williams 22  
Q. What do you recall the doctor telling you about your liver?

A. He said that I need to eat healthy, drink a lot of water, and any deterioration that I've incurred to my liver would eventually heal itself. But I had to start immediately, because if I go -- if I continue, I could create cirrhosis of the liver.

And then -- it wasn't a he, it was a she. She said, that your liver can get holes inside. Once fat grows inside those holes, that's when you begin to get cirrhosis. But if you eat healthy, drink a lot of liquids, healthy liquids that is, that the liver is an organ that refurbishes itself and you'll be fine.

Q. Were you diagnosed with any medical condition after the biopsy of your liver?

A. I don't know. They never told me.

Q. Have you ever been diagnosed with Hepatitis C?

A. I was told that I had Hepatitis C. Then it was questionable when I was at Huttonsville.

Q. If you can recall, when were you

Page 23

Williams 20  
making an issue of my stomach is during constipation. The medical staff at Downstate recommended that I do a liver biopsy.

Q. Why was that, if you know?

A. When you're incarcerated they don't give you any information.

Q. Prior to that recommendation, did you have a blood test, and they looked at how the blood related to your liver functions?

A. I've had numerous blood tests.

Now, what they were in regards to, I don't know.

Q. Do you recall, I think, they had scheduled a liver biopsy for you?

A. Yes.

Q. That was at St. Agnes Hospital in White Plains?

A. It was at a hospital.

Q. Would it refresh your memory whether it was St. Agnes Hospital in White Plains or somewhere else, would that help you remember?

A. I can tell you that they brought me from the correctional facility. At the time, I don't even remember what facility I was at.

Page 20

Williams 23  
diagnosed with Hepatitis C; who told you that and when?

A. Downstate.

Q. What led them to that diagnosis; in other words, were you complaining of pain in your body somewhere or had they done routine testing and discovered it or something else?

A. Blood in my urine.

Q. Was that what you had referred to before when you mentioned it?

A. No. Before I mentioned it, if I'm not mistaken, we was talking about when I was in shock.

Q. From the shock camp?

A. Yes.

Q. This was before, while you were incarcerated at Downstate?

A. Yes.

Q. Other than blood in your urine, were there any other other symptoms that you had before you received the diagnosis of Hepatitis C?

A. I can't recall all the times that I have had any ailments.

Page 24

Williams 21  
They brought me down to a regular public hospital. Whether it was in White Plains, in the Bronx, I do not know.

Q. Just let me stop you for a second. Did you keep any memos or notes or records of your medical treatment over the years?

A. No.

Q. Did you in fact go and have a liver biopsy?

A. Yes.

Q. That was due to elevated liver levels in your blood, would that be a fair statement?

A. Could you repeat that question.

MR. SILVERSON: Could you read that back.

(Whereupon, the prior question was read back by the reporter.)

A. What is an elevated liver level?

Q. I'll ask you another question.

Did a doctor meet with you after you had the liver biopsy in regard to what the biopsy showed, if anything?

A. Yes.

Page 21

Williams 24  
Q. I know it's a long time ago, but in terms of your ability to function at Downstate in terms of either a job that you may have had there or work duty or whatever it might be, were you put on any kind of limited details because of the illness that you had?

A. Downstate is a 23 lockdown facility.

Q. I'm not familiar with that. That meant you were in your cell for 23 hours?

A. When you're in a 23 hour lockdown facility there is no work.

Q. What, if any, treatment did they give you for Hepatitis C?

A. None.

Q. What medications did they prescribe for you, if any?

A. None.

Q. What medical advice did they give you, if any, regarding your care of yourself after the diagnosis of Hepatitis C?

A. I told you that.

Q. Eat healthy?

1 Williams 25  
 2 A. Eat healthy and drink lots of  
 3 water.  
 4 Q. As of today, are you still  
 5 diagnosed with the condition of Hepatitis C?  
 6 A. As I said before, Huttonsville said  
 7 it was questionable. That they need to have a  
 8 panel test conducted, which I never had done.  
 9 Q. So you don't know?  
 10 A. I don't know.  
 11 Q. Mr. Williams, just so I have an  
 12 order of things, you went from Downstate  
 13 correctional to Oneida. Then to a six month  
 14 shock camp. Then to Dannemora and then to  
 15 Franklin; would that be a correct order of  
 16 things?  
 17 A. Pretty much, yes.  
 18 Q. This was all under the sentencing  
 19 of a 1 to 3 sentence; correct?  
 20 A. That's correct.  
 21 Q. Since this is basically a white  
 22 collar crime, was there a reason why you were in  
 23 a 23 hour lockdown, other than being in the  
 24 general population of the prison?  
 25 I'm sorry to have to ask these questions,

Page 25

1 Williams 28  
 2 prisoners to these facilities, not only do you  
 3 have to have layovers sometimes, but in my  
 4 situation, they took me to Dannemora, to either  
 5 wait -- mind you, the correctional system, they  
 6 don't tell us anything. And I'm not guessing at  
 7 this, because during my research I realized this  
 8 was a fact. This is what happened. Dannemora  
 9 was just layover period. I only stayed there  
 10 for a few weeks, until a bed came open either at  
 11 Franklin or Berry Hill. Franklin and Berry Hill  
 12 are facilities that are next door to each other.  
 13 Q. That puts it in perspective for me.  
 14 When I've looked at these documents, it  
 15 seemed you were in a lot of places for a crime  
 16 where you got sentenced to a 1 to 3.  
 17 A. Right.  
 18 Q. Let me just get back to the  
 19 medical, Mr. Williams.  
 20 There are a number of hospitals that were  
 21 listed in your medical records. I'd like to ask  
 22 you a little bit about each one. If you don't  
 23 remember, that's fine. If not, maybe you can  
 24 explain it. There was a hospital called Alice  
 25 Hyde Hospital.

Page 29

1 Williams 26  
 2 I apologize.  
 3 A. I have to elaborate on this one.  
 4 Apparently you all are not familiar with how  
 5 corrections operate.  
 6 When you're incarcerated -- when you're  
 7 sentenced to a correctional facility, a/k/a  
 8 penitentiary, you have to be classified. And  
 9 before this classification is conducted where  
 10 they give you a level, you're locked down.  
 11 Once you're classified, then they put you  
 12 in an area most conducive to what they call,  
 13 "rehabilitation." Now everyone who thresholds  
 14 the penal system goes through a lockdown.  
 15 Because you just can't put a person in prison  
 16 and he's not a violent criminal and put him with  
 17 violent criminals.  
 18 So once classification has been  
 19 completed, then they put you in what they would  
 20 consider an area that is safe and poses no  
 21 danger for you or to the people that are around  
 22 you.  
 23 Q. So that the lockdown wasn't because  
 24 of any infraction in prison or any conduct of  
 25 that nature?

1 Williams 29  
 2 A. Address?  
 3 Q. Alice Hyde Hospital, 115 Park  
 4 Street, Malone, New York 12953.  
 5 Does that refresh your recollection?  
 6 A. Do you know the time frame?  
 7 Q. I don't. Other than the fact that  
 8 there was some record of you being there for  
 9 some laboratory testing and I have a patient  
 10 number for you. But I thought perhaps that  
 11 would refresh your memory as to what you were in  
 12 the hospital for on that visit?  
 13 A. This is Malone, New York?  
 14 Q. Does it ring a bell?  
 15 A. No.  
 16 Q. How about Oneida Health Care  
 17 Center, Genesee Street, Oneida, New York?  
 18 That would be up near where the prison  
 19 was. Do you recall being hospitalized for any  
 20 reason or treating in the emergency room?  
 21 A. I recall blood in my urine.  
 22 Q. Do you recall being hospitalized  
 23 there or just going there for medical  
 24 consultation?  
 25 A. I just recall going there for

Page 30

1 Williams 27  
 2 A. That's correct.  
 3 Q. Since you were convicted basically  
 4 of a so called white collar crime, they wanted  
 5 to find out where you fit into the correctional  
 6 system, therefore transfer you to a prison that  
 7 would be appropriate for your rehabilitation, as  
 8 you put it?  
 9 A. Yes.  
 10 Q. That would explain the 6 month  
 11 shock camp didn't work out for you, because you  
 12 seem to have gone on to Dannemora after that?  
 13 A. That is correct.  
 14 Q. From Dannemora you went to  
 15 Franklin. Was there a reason for the transfer  
 16 between those two prisons?  
 17 A. Dannemora is a maximum security.  
 18 It's behind a wall.  
 19 Q. It seems inconsistent with the crime  
 20 that you committed that you would go to such a--  
 21 A. Actually it's not inconsistent.  
 22 Q. Could you explain?  
 23 A. You have to understand, these  
 24 prisons are right next to Canada.  
 25 They're so far up and to transport

1 Williams 30  
 2 testing.  
 3 Q. You would obviously be transported  
 4 from prison to that place; is that correct?  
 5 A. Correct.  
 6 Q. How about Bassett Hospital of  
 7 Schoharie County, in Cobble Skill, New York.  
 8 Does that ring a bell as ever having been  
 9 treated there?  
 10 A. No, I don't recall going to there.  
 11 Maybe that's another individual.  
 12 Q. The hospitals that I'm giving you  
 13 Mr. Williams are all hospitals that there are  
 14 medical records that we've requested, where it's  
 15 been indicated that you received some type of  
 16 treatment at. And it was at the time you were  
 17 in upstate New York incarcerated.  
 18 So, we don't have the records as yet.  
 19 I'm trying to save time and not having to have a  
 20 further deposition, so that we can find out what  
 21 the treatments were, if any, at these particular  
 22 institutions.  
 23 So, the first one Oneida, you've  
 24 explained.  
 25 Alice Hyde Hospital you don't have any

1 Williams 31 Page 31  
 2 recollection.  
 3 Bassett Hospital, there was some  
 4 indication that you received some type of X-rays  
 5 and medical treatment there.  
 6 A. I don't recall.  
 7 Q. Do you have any records at home or  
 8 you gave to your attorney that would help you  
 9 refresh your memory?  
 10 A. No.  
 11 Q. How about Rome Hospital and Murphy  
 12 Memorial Hospital in Rome, New York; do you have  
 13 any recollection of ever being treated at that  
 14 hospital or hospitals?  
 15 A. I can only recall a substantial  
 16 amount of blood being in my urine. So that can  
 17 only be the reason.  
 18 Q. I'm going to ask you a little bit  
 19 later on in the deposition, there had been some  
 20 HIV testing while you were incarcerated during  
 21 that period of '93 to '95. Would that refresh  
 22 your memory as to one of these hospitals being  
 23 the facility where you received the HIV testing?  
 24 A. No. Any HIV testing that I  
 25 received were received at the correctional

1 Williams 34 Page 34  
 2 full-time.  
 3 Q. That would be from September to  
 4 December or September to January?  
 5 A. December.  
 6 Q. Would you be considered a freshman  
 7 student, in other words are you being considered  
 8 a first year student?  
 9 A. That was my second.  
 10 Q. You have completed one year of  
 11 college?  
 12 A. Yes.  
 13 Q. Where was that?  
 14 A. Fairmont State.  
 15 Q. What part of the country is that?  
 16 A. West Virginia.  
 17 Q. Mountain State has given you credit  
 18 for the first year of Fairmont State?  
 19 A. That's correct.  
 20 Q. You went to school full-time from  
 21 September to January of '05. And then from '05  
 22 to the present, you haven't started again, but  
 23 you will be starting in the spring?  
 24 A. Correct.  
 25 Q. I assume you have a high school

1 Williams 32 Page 32  
 2 facility.  
 3 Q. Finally, a hospital called Grand  
 4 Strand Regional Medical Center.  
 5 A. Located?  
 6 Q. Myrtle Beach, South Carolina.  
 7 A. That's when I got burned.  
 8 Q. Do you have a recollection of going  
 9 to the hospital at that time?  
 10 A. Yes.  
 11 Q. Was that while you were on the job?  
 12 A. Yes.  
 13 Q. Mr. Williams what is the extent of  
 14 your education, how far did you go in school?  
 15 A. As of when?  
 16 Q. As of the present.  
 17 A. I'm presently working on a  
 18 bachelor's in accounting.  
 19 Q. Where are you attending classes?  
 20 A. Mountain State University.  
 21 Q. That's in West Virginia?  
 22 A. Beckley, West Virginia.  
 23 Q. I assume you're a part-time  
 24 student, not full-time?  
 25 A. Full time.

1 Williams 35 Page 35  
 2 diploma from high school or equivalency?  
 3 A. I have an equivalency.  
 4 MR. SILVERSON: I don't know if  
 5 it's relevant, if not already provided,  
 6 we would just like some authorizations to  
 7 validate educational aspects. We'll put  
 8 the request in writing as per the rules,  
 9 but just for the record.  
 10 On any document request, we'll  
 11 follow-up with a formal demand.  
 12 While I'm on it, we've already sent  
 13 you a request.  
 14 MR. GELLER: Yes. We have those  
 15 and we will be getting those to you  
 16 shortly.  
 17 MR. SILVERSON: We have previously  
 18 requested in writing from counsel,  
 19 authorization for Mr. Williams from  
 20 Oneida Health Care Center, Alice Hyde  
 21 Hospital Association, Bassett Hospital of  
 22 Schoharie County, Rome Hospital and Murphy  
 23 Memorial Hospital, St. Agnes Hospital,  
 24 Oneida Correctional Facility medical  
 25 records and Grand Strand Regional Medical

1 Williams 33 Page 33  
 2 Q. You matriculated into a semester;  
 3 is it a semester or a trimester program?  
 4 A. Actually, this semester I wasn't  
 5 able to get in because of some situation that  
 6 happened, but I'm already scheduled for the  
 7 spring semester.  
 8 Q. Are you telling me you're  
 9 registered at the school to enter classes in  
 10 whatever spring means, January, February?  
 11 A. Yes.  
 12 Q. Is this your first exposure to  
 13 college or have you been at Mountain State  
 14 before this?  
 15 A. Yes.  
 16 Q. When were you in attendance?  
 17 A. The fall 2005.  
 18 Q. How many credits did you take and  
 19 how many did you complete?  
 20 A. Four.  
 21 Q. So you were not fully matriculated,  
 22 you were part-time?  
 23 A. That would be four classes.  
 24 Q. I was talking about credits.  
 25 A. Four classes is considered

1 Williams 36 Page 36  
 2 Center.  
 3 In addition we have asked for  
 4 records under Medicaid, any claims under  
 5 social security administration, Project  
 6 Return Foundation Incorporated, and the  
 7 New York State Department of Health  
 8 prescription plan, it's an RX plan  
 9 through the Department of Health.  
 10 MR. GELLER: We're in receipt of  
 11 the request.  
 12 Q. Mr. Williams, in reviewing some of  
 13 your records, it appears that you did attend  
 14 City College in New York City at one point?  
 15 A. Yes.  
 16 Q. In 1996?  
 17 A. Yes.  
 18 Q. So in addition to Fairmont State  
 19 you also attended City College. Was that  
 20 full-time or part-time?  
 21 A. Part-time.  
 22 Q. When I say City College I'm talking  
 23 about the City University of New York?  
 24 A. 135th and Amsterdam.  
 25 Q. That's the one?

		Page 37		Page 40	
1	Williams	37	1	Williams	40
2	A. That's the one.		2	Q. Can you tell me what that was and	
3	Q. Mr. Williams, I'm going to ask you		3	what care or treatment you received, if any?	
4	some information regarding your time either at		4	I apologize for going into your	
5	Franklin Correctional Facility or one of the		5	background. It may or may not be painful to	
6	ones in the interim that you were transferred		6	you, but we need to know about this.	
7	from and to, during the period 1993 to 1995.		7	A. In 1972 I was sent to Albany Home	
8	The first thing I want to talk to you		8	for Children. Let me clarify that. On or	
9	about is your HIV testing that you took at that		9	around 1972, I was sent to Albany Home for	
10	institution. Your records indicate that in		10	Children. During this period I was told that I	
11	February of 1994, more specifically February 4,		11	was mentally retarded.	
12	that you took a HIV test called an ELISA test,		12	Q. When you say sent, was this	
13	do you recall that?		13	something through your mother or father or was	
14	A. I remember taking that test. I		14	this a court intervening decision to get you	
15	don't recall the time.		15	there?	
16	Q. In fact, while you were		16	A. I have no idea.	
17	incarcerated there two tests were given at the		17	Q. You ended up being away from home	
18	institution, do you recall that at least two for		18	and put into this home?	
19	HIV testing?		19	A. Yes.	
20	A. Yes.		20	After that, I don't recall being in any	
21	Q. Do you recall the results of either		21	other psychiatric institution.	
22	of those tests?		22	Q. About how old were you?	
23	A. Yes.		23	A. I was 8 or 9 years old.	
24	Q. What were the results?		24	Q. How long were you there?	
25	A. Negative.		25	A. Approximately a year.	
		Page 38		Page 41	
1	Williams	38	1	Williams	41
2	Q. Was there a reason that the HIV		2	Q. When released from there, did you	
3	test was given while you were in prison?		3	return to your family?	
4	A. Specifically, to know the status of		4	A. Yes.	
5	my health.		5	Q. What did your family consist of at	
6	Q. Had you requested the test or is		6	that point?	
7	this part of the protocol for the hospital to		7	A. What do you mean, what did it	
8	give such a test, if you know?		8	consist of?	
9	A. That I could not answer.		9	Q. Was it your mother, your father, or	
10	Q. You in fact did take the two tests		10	mother and father or a relative or something	
11	and both tests were negative?		11	else?	
12	A. That is correct.		12	A. Like who was in the household?	
13	Q. While in the correctional		13	Q. Yes.	
14	institutions, they do a psychological profile or		14	A. One brother, one sister, my mother,	
15	examination of you while there?		15	stepfather and a dog named Butch.	
16	A. Yes.		16	Q. What kind of dog was it?	
17	Q. In 1994, had you had any prior		17	A. A boxer.	
18	psychiatric history or care in your background		18	MR. GELLER: Off the record.	
19	at all?		19	(Whereupon, a short recess was	
20	A. Clarify.		20	taken.)	
21	Q. From birth to adulthood had you had		21	Q. You returned home from Albany Home	
22	any experiences or problems emotionally or		22	for Children and from that date forward, you	
23	mentally up and through 1994?		23	were in school?	
24	MR. GELLER: Objection. What's the		24	A. Very briefly.	
25	question?		25	Q. I'd say from 8 years to 18, for the	
		Page 39		Page 42	
1	Williams	39	1	Williams	42
2	You asked about treatment then you		2	next ten years, in very brief summary, can you	
3	asked about problems.		3	tell me were you in any other institutions or	
4	Q. What I'd like to know, is find out		4	under the care of a psychiatrist, psychologist	
5	if there were things in your background, either		5	or other medical?	
6	your childhood or teenage years that required		6	A. Clarify those years?	
7	intervention with either a psychiatrist,		7	Q. From age 8 to age 18.	
8	psychologist, mental health worker, social		8	A. From age 8 to 18 was I in any other	
9	worker; was there anything in that period of		9	institution--	
10	time?		10	Q. Or treated by a psychiatrist,	
11	A. From the time that I was born up		11	psychologist or mental health professional?	
12	until now?		12	A. Absolutely not.	
13	Q. The basis for my question is this,		13	Q. In terms of your schooling, did you	
14	in your medical records there are references to		14	finish grammar school, meaning first to eighth	
15	this. If you can explain, if you would like me		15	grade?	
16	to be specific or you can give me a brief		16	A. I didn't. I left school in fifth	
17	narrative?		17	grade.	
18	A. I would like for you to be specific		18	Q. This is all in West Virginia?	
19	but, yes.		19	A. No. At this point I was living in	
20	Q. Was there an incidence in your		20	Cornwall, New York, Cornwall off the Hudson.	
21	childhood where you either were an abused child		21	Q. Leaving school in the fifth grade	
22	or had some intervention with a psychologist for		22	how old were you in fifth grade?	
23	incidence that occurred in your home with your		23	A. I was nine going on ten.	
24	family?		24	Q. In terms of requirements of the	
25	A. Yes.		25	state to attend school, what did you do if you	

		Page 43		Page 46	
1	Williams	43	1	Williams	46
2	weren't going to school; were you just kept at		2	stopped using heroin?	
3	home and home taught or something else?		3	A. Yes.	
4	A. I left home.		4	Q. Why was that?	
5	Q. You ran away?		5	A. I stopped using heroin because I	
6	A. Yes.		6	got tired of the lifestyle.	
7	Q. Where did you run to?		7	Q. Did you have any help in stopping	
8	A. Here, to the city?		8	the use of the drugs and this is what I meant by	
9	Q. At age 9 with whom did you live or		9	treatment, did you go to a drug treatment center	
10	where did you live?		10	or a program of some kind?	
11	A. Wherever I could.		11	MR. GELLER: That's a compound	
12	Q. Were you homeless at the time?		12	question. Could you break it up.	
13	A. Very much so.		13	Q. Did you go to a program?	
14	Q. Did you live in any shelters or any		14	A. No.	
15	other places?		15	Q. Did you go to a treatment center?	
16	A. Nine year olds can't get into		16	A. No.	
17	shelters.		17	Q. Was there some other institution or	
18	Q. Nine year old, it's pretty hard to		18	facility that helped you either reduce or stop--	
19	take care of yourself at nine. How did you		19	A. No institution, no facility, but an	
20	survive?		20	organization.	
21	A. You'd be surprised what a nine year		21	Q. What was that organization?	
22	old has to do when he has to survive. I		22	A. The National of Islam.	
23	survived the best I could.		23	Q. Are you a member of the Nation of	
24	Q. During that time period from 9 to		24	Islam?	
25	age 18, were you ever arrested as a juvenile?		25	A. No.	
		Page 44		Page 47	
1	Williams	44	1	Williams	47
2	A. Between the ages of 9 and 18,		2	Q. Were you a member at that time?	
3	that's very broad.		3	A. No.	
4	Q. Your attorney would usually say		4	Q. Did you come in contact with	
5	that.		5	members of the Nation of Islam that helped you	
6	What I'm trying to find out is, in those		6	or gave you guidance in terms of your reduction	
7	years did you ever return home to Cornwall, New		7	or non-use of heroin?	
8	York or did you remain in New York City?		8	A. Repeatedly.	
9	A. Yes.		9	Q. Where was that, in New York City	
10	Q. You lived on your own or with		10	here?	
11	somebody else?		11	A. Here in the City.	
12	A. I lived on my own for quite a bit		12	Q. In terms of treatment was there any	
13	of those years.		13	medical treatment that you received or was this	
14	Q. I'm not going to take you through		14	just counseling and mentoring let's call it?	
15	the experience, but was it pretty much living on		15	Do you understand what I mean?	
16	the street; would that be a fair statement of		16	A. Cold turkey.	
17	your lifestyle at that point?		17	Q. You were able to stop the use of	
18	A. If you call living in a domicile		18	heroin?	
19	that's a derelict building living on the street,		19	A. Never used it again intravenously.	
20	that's pretty much.		20	Q. In terms of your heroin use; did	
21	Q. During those years, was there any		21	you develop any medical conditions from the use	
22	involvement with either drugs or alcohol by		22	of heroin, either from the use of bad needles or	
23	yourself?		23	the drug itself?	
24	A. Yes.		24	A. None whatsoever.	
25	Q. Were you ever treated for either		25	Q. Did it have any effect on your	
		Page 45		Page 48	
1	Williams	45	1	Williams	48
2	alcohol or drug abuse during that time period?		2	general health, as best as you can recall,	
3	MR. GELLER: Can you clarify the		3	during that time period?	
4	time period.		4	A. None whatsoever.	
5	MR. SILVERSON: From the age of 9		5	Q. Other than heroin, did you take any	
6	years old to 18.		6	other drugs during that time period?	
7	A. No. We need to back up a little		7	A. Marijuana.	
8	bit. When you say treated, you mean was there		8	You are talking about what time period?	
9	any documentation of my being treated.		9	Q. In your teen years, when you were	
10	Q. What I meant by treatment, let me		10	in New York City living on your own.	
11	explain, is that if you were involved -- let's		11	A. Maybe alcohol, beer.	
12	start with drugs. Were you using drugs between		12	Q. That was going to be the next area.	
13	the ages of 9 and 18?		13	Did you ever have a problem with the use of	
14	A. Yes.		14	alcohol, meaning alcohol abuse, to the extent	
15	Q. What drugs were you using?		15	where it became a threat to your health?	
16	A. Heroin.		16	A. Yes.	
17	Q. Were you using intravenous drugs or		17	Q. When was that?	
18	something else?		18	A. When was what?	
19	A. Yes.		19	Q. The alcohol abuse that became a	
20	Q. Did you ever try to kick the habit		20	threat to your health.	
21	by going methadone or something else?		21	A. Prior to becoming incarcerated at	
22	A. Absolutely not.		22	those various facilities that you wrote down	
23	Q. You were on heroin for how long?		23	recently.	
24	A. About four years.		24	Q. I have an idea of what I mean by	
25	Q. Did there come a time when you		25	alcohol abuse. Can you tell me how you abused	

1 Williams 49  
 2 alcohol; what alcohol you drank, the amount,  
 3 quantity?  
 4 A. The amount I couldn't tell you.  
 5 well, I couldn't possibly. To give you an idea  
 6 of the amount, that's sunup to sundown.  
 7 Q. You were intoxicated for a good  
 8 part of the day to say the least?  
 9 A. I was intoxicated pretty much all  
 10 the time. Yes.  
 11 Q. If you can give me a time frame of  
 12 when, what years this covered or maybe it was  
 13 less than a year you tell me, I don't know?  
 14 A. I can't.  
 15 Q. As a result of this, this was prior  
 16 to your heroin use or after your heroin use?  
 17 A. After.  
 18 Q. As a result of that, of the alcohol  
 19 abuse, did you develop any medical conditions  
 20 that you required medical treatment for?  
 21 A. The alcohol consumption was the  
 22 factor that deteriorated my liver.  
 23 Q. Was there any other effect on your  
 24 body, either from the heroin or the alcohol  
 25 abuse that you know of, that was told to you

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1 Williams 52  
 2 A. Yes.  
 3 Q. It's also high risk, in terms of  
 4 injury and so forth.  
 5 MR. GELLER: Is that a question.  
 6 MR. SILVERSON: Just a comment.  
 7 Q. Let me get back to the Franklin  
 8 Correctional Facility. In June of 1994, there  
 9 was some indication that you were suffering from  
 10 depression and received some type of counseling  
 11 at or in the institution or near the  
 12 institution, while there.  
 13 MR. GELLER: Object to the form.  
 14 It assumes fact not in evidence.  
 15 Q. Does that refresh your recollection  
 16 of whether you had a psychiatric evaluation  
 17 while at Franklin Correctional or one of the  
 18 other correctional facilities?  
 19 A. Every individual that goes into the  
 20 division of correction goes through a  
 21 psychiatric evaluation.  
 22 Q. That consists of you speaking to  
 23 psychiatrists or psychologists about your  
 24 background and other information?  
 25 A. It requires that we speak to

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1 Williams 50  
 2 medically?  
 3 A. None.  
 4 Q. Other than the liver?  
 5 A. Correct.  
 6 Q. Let's say, from 18 years of age to  
 7 again, I apologize for not having the exact  
 8 times. You were born in '63, from about 18 to  
 9 let's say 30, you somehow got into the iron  
 10 working business. How did that occur, you  
 11 became a member of the local?  
 12 I've got you in New York to about 18  
 13 years of age. There must come a time that you  
 14 must leave New York to go back to West Virginia  
 15 or somewhere else, where you became an iron  
 16 worker; is that correct?  
 17 A. I became an iron worker in South  
 18 Carolina.  
 19 Q. When did you get your card?  
 20 A. I didn't have a card. They had a  
 21 program which you can -- local 201 is out of the  
 22 Washington D.C. They had a program where  
 23 minorities could receive the benefits without  
 24 becoming a member and get the same pay scale.  
 25 Q. Was it a training program of some

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1 Williams 53  
 2 someone in that profession. Whether they're  
 3 psychologists, psychiatrists or an analyst. I  
 4 don't know.  
 5 Q. You don't know their  
 6 qualifications?  
 7 A. Exactly. Nor do they show us their  
 8 credentials.  
 9 Q. Do they tell you or give you  
 10 information as a result of that questioning, in  
 11 that process?  
 12 A. Absolutely not.  
 13 Q. Do you know whether or not you were  
 14 categorized into a particular level of  
 15 psychiatric profile of some kind?  
 16 A. Absolutely not.  
 17 Q. Did you ever, while at those  
 18 institutions between 1993 and 1995, ever  
 19 indicate that you were suffering from  
 20 depression?  
 21 A. I have to elaborate on that one.  
 22 Anyone who goes through the department of  
 23 corrections and don't show any signs of  
 24 depression, they're not normal. Because when  
 25 you're away from society and your family, that

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1 Williams 51  
 2 kind?  
 3 A. I was very much trained. In fact  
 4 they used me to train some of their people, but  
 5 they refused to let me get the full benefits of  
 6 being in local 201.  
 7 Q. Why is that?  
 8 A. Probably because I'm an  
 9 African-American.  
 10 Q. Didn't you tell me that program was  
 11 to basically benefit minorities of getting into  
 12 iron working business, by getting the benefits  
 13 and work in the same pay scale without having to  
 14 go through the union process?  
 15 A. If you're not going to have any  
 16 union, what are you doing.  
 17 Q. You're part of this 201 local,  
 18 which is a national local of some kind?  
 19 A. While I was working on certain  
 20 jobs, yes.  
 21 Q. The pay for an iron worker is  
 22 pretty good?  
 23 A. Yes.  
 24 Q. It's one of the top construction  
 25 fields?

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1 Williams 54  
 2 is a depressive state.  
 3 Q. Other than that, being incarcerated  
 4 and being taken out of society and being put in  
 5 that environment, other than those factors, was  
 6 there any other factors in either your prior  
 7 life or that occurred in prison which caused you  
 8 to suffer from depression?  
 9 A. Not that I can recall, no.  
 10 Q. Were you given any medication for  
 11 this depression that you had in prison?  
 12 A. No.  
 13 Let me rephrase that. I don't recall  
 14 taking any medication while incarcerated.  
 15 Q. For depression?  
 16 A. For depression.  
 17 Q. Do you recall either discussing  
 18 with a medical professional the idea of taking  
 19 your own life, committing suicide?  
 20 A. See that's a very tricky question.  
 21 You need to clarify that.  
 22 Q. Mr. Williams, you are making claim  
 23 against St. Clare's Hospital for their alleged  
 24 negligence. As part of your claim you're  
 25 claiming emotional injuries. By my questioning

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1 Williams 55  
 2 now, I'm just trying to find out if you have any  
 3 history of emotional injuries that either have  
 4 been exacerbated by this case or existed prior  
 5 to this case.

6 There is an indication in your records  
 7 that there have been discussions, either from  
 8 the records or their interview of you, that  
 9 indicated that you had contemplated taking your  
 10 own life or had actually attempted to do that on  
 11 occasion.

12 That's my question. Do you have any  
 13 recollection of having that type of conversation  
 14 with a medical professional, during the years of  
 15 '93 to '95 while incarcerated?

16 A. Can I elaborate?

17 Q. Certainly.

18 A. The dialogue, basically that  
 19 conversation with their mental staff there, they  
 20 ask every individual that comes through those  
 21 doors about committing suicide, because they need  
 22 to know whether they need to keep them under  
 23 close supervision. I have never been under  
 24 close supervision, in a straight jacket. I have  
 25 never been an area of any institution where I

1 Williams 56  
 2 would be considered a risk to myself or anyone  
 3 else.

4 So, if it's in the record that I said  
 5 something to that effect, that I would take my  
 6 life and they didn't put me under close  
 7 observation, they're in grave error. And I was  
 8 never in a position where I was under close  
 9 supervision, period.

10 Q. You've answered part of my  
 11 question. The other part was, did you tell any  
 12 of these doctors or medical professionals, that  
 13 in the past that you had contemplated, whether  
 14 it be recent past or way back in your past, to  
 15 commit suicide?

16 A. I may have discussed it with them.  
 17 But I have never told anyone about taking my  
 18 life.

19 Q. Did you ever relate an incident,  
 20 whether it be when you were very young or in  
 21 recent times while at Franklin, concerning  
 22 taking an overdose of pills; intentionally  
 23 taking an overdose of pills.

24 MR. GELLER: I object to the form.  
 25 Could you read back the question. I

1 Williams 57  
 2 don't understand the time frame.

3 MR. SILVERSON: Maybe I can explain  
 4 and let me rephrase it to save time.

5 Q. Again, the time I'm talking about  
 6 is when you were in jail from '93 to '95,  
 7 approximately.

8 During your discourse with a medical  
 9 doctor or medical professional about your  
 10 emotional background, did you at any time tell  
 11 anybody there that you had attempted to take  
 12 suicide by ingesting or taking an overdose of  
 13 pills; not that you were doing it in the prison,  
 14 but in the past?

15 A. I can't recall.

16 Q. Do you recall having any discussion  
 17 in January of 1994 while institutionalized,  
 18 regarding an infection that you developed which  
 19 they diagnosed as possibly tuberculosis?

20 A. What?

21 Q. Do you recall a test called a PPD  
 22 test, where they tested you for exposure to  
 23 tuberculosis?

24 A. Every time you go into an  
 25 institution they give you that test.

1 Q. Do you recall having any  
 2 conversation with any medical doctor about the  
 3 results of that test?

4 A. I don't recall having a need to  
 5 discuss it with a doctor, anything regarding a  
 6 PPD test.

7 Let me elaborate. When they give you  
 8 that skin test, if the centimeters is large, you  
 9 got an issue, a large one. If you don't have no  
 10 redness there, what is there to discuss. I've  
 11 never had that.

12 Q. You do recall getting the test?

13 A. Every time.

14 Q. In close populations like that,  
 15 people can be carriers?

16 A. Right.

17 Q. Also, in terms of your lower  
 18 extremities, your legs. In or about January of  
 19 1995, did you ever have a problem with either  
 20 your calves or parts of your legs that had  
 21 ulcerations, sores?

22 A. I can't recall.

23 Q. More specifically on your right  
 24 calf, where you had to have medical treatment

1 Williams 59  
 2 for an ulcerated sore or sores that wouldn't  
 3 heal?

4 A. No.

5 Q. I believe at that time you were  
 6 still in jail, because the release date that we  
 7 have is late 1995.

8 So, I just have a medical record which  
 9 indicates that you had made a complaint of  
 10 ulceration of your legs and some problems with  
 11 your legs. If you don't recall, just indicate  
 12 that and I'll go on.

13 A. I don't recall.

14 MR. GELLER: Can we take a break.  
 15 (Whereupon, a short recess was  
 16 taken.)

17 Q. It seems from my records, and you  
 18 don't have to rely on that Mr. Williams, it  
 19 seems that you were released in October of 1995,  
 20 that's the date I have; October 10?

21 A. That's what I put down.

22 Q. The date of transfers from all  
 23 these facilities are a little unclear from the  
 24 records. For the purpose of this deposition,  
 25 would you agree that it would be sometime in

1 Williams 60  
 2 October of '95 that you got out of the prison  
 3 system from Franklin?

4 A. I would agree that it was in '95.  
 5 But I would not confirm the month.

6 Q. When one gets out of prison in  
 7 those days, did you have to go to a halfway  
 8 house or a program before you were let into a  
 9 free society?

10 A. No.

11 Q. You went directly, you were  
 12 released, you had served your sentence, there  
 13 was no probationary period after that; is that  
 14 correct?

15 A. In the State of New York during  
 16 that time, you have parole, mandatory parole.  
 17 Then you have a minimal discharge date and a  
 18 maximum discharge date.

19 I did not make parole. When I got out in  
 20 the year '95 that was mandatory parole. And I  
 21 achieved that by not getting any infractions.  
 22 Therefore, when that date come, it doesn't  
 23 matter whether I have a place to stay. It  
 24 doesn't matter whether I'm sick or dying, you're  
 25 gone. So it really doesn't matter, you're out.

1 Williams 61  
 2 Q. When you got out Mr. Williams, how  
 3 would you describe your general health in 1995?  
 4 A. Euphoric.

5 Q. I know that was your mental  
 6 attitude, but in the terms of physical health,  
 7 how would you describe your physical health?  
 8 A. Fit. I was fit.

9 Q. What did you do when you got out,  
 10 where did you go to live?

11 A. I went to -- I was in Washington  
 12 Heights. The address I don't know.

13 Q. Was it an apartment, did you move  
 14 in with someone, was it a program facility or an  
 15 outreach program for people who were released?

16 A. It wasn't Washington Heights. 178  
 17 Mount Eden Parkway, Bronx, New York 10457.

18 Q. Was that an apartment?

19 A. That was a home.

20 Q. Meaning a private house?

21 A. Yes.

22 Q. Whose private house was that?

23 A. It belonged to Gina Huddelston.

24 Q. Who was Gina Huddelston?

25 A. She was my mother's half sister.

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1 Williams 64  
 2 reporting something or something else?  
 3 A. I couldn't answer that honestly. I  
 4 don't remember.

5 Q. It did require you to go into  
 6 Project Return as a result of the violation?

7 A. Yes. It wasn't serious enough for  
 8 me to go back to prison.

9 Q. Project Return, from our  
 10 information is a drug program?

11 A. Yes.

12 Q. Were you involved with drugs in  
 13 1995, that required you to go into a drug  
 14 program?

15 A. I think it was drugs or alcohol.  
 16 I'm not going to confirm either, because I don't  
 17 remember.

18 Q. Was it heroin again or something  
 19 else?

20 A. No. It was either drugs or  
 21 cocaine. I'm sorry, I mean alcohol or cocaine.

22 Q. As a result of going into the drug  
 23 program, that was a confined program where you  
 24 had to live there and you were released, you had  
 25 to stay there at night or it was a lockdown

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1 Williams 62  
 2 Q. Did you remain with her for a  
 3 period of time or did you move away?

4 A. Long enough to accumulate my own  
 5 funds, to get my own place.

6 Q. What kind of work did you do when  
 7 you first got out, during that first year?

8 A. I think I did some roofing work for  
 9 company out of Queens.

10 Q. Were you just a part-time employee  
 11 or something else?

12 A. I don't do construction part-time.  
 13 Its full-time.

14 Q. Were you on the books or off the  
 15 books?

16 A. It was both.

17 Q. Did you file tax returns?

18 A. No. I could have, but I don't  
 19 think that I did. I know I didn't do it, I  
 20 think I got fine for that, for not filing.

21 Q. Again, Mr. Williams correct me if  
 22 I'm wrong, your records seem to indicate that  
 23 when you left prison in '95, within a short  
 24 period of time thereafter you entered something  
 25 called Project Return drug program, located at

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1 Williams 65  
 2 facility or something else?

3 A. No, it's not a lockdown facility.  
 4 It's actually pretty much voluntary, because you  
 5 can come and go as you pleased. It was a six  
 6 month program designed to help people  
 7 reintegrate themselves back into society.

8 The reason why they put emphasis on it  
 9 being a drug program, because most of the  
 10 individuals that come through there did have a  
 11 drug problem, but not all.

12 Q. While at Project Return, did any  
 13 medical conditions develop that required medical  
 14 intervention or for you to go see a doctor?

15 A. Spellman Clinic.

16 Q. When you say Spellman Clinic, are  
 17 you saying that a doctor referred you to  
 18 Spellman Clinic?

19 A. No. I'm saying that Spellman  
 20 Clinic had me under their treatment.

21 Q. How did you get from Project Return  
 22 to the Spellman Clinic; did you walk in off the  
 23 street to the Spellman Clinic or did somebody at  
 24 Project Return refer you or did a doctor refer  
 25 you or something else?

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1 Williams 63  
 2 814 Amsterdam Avenue?

3 A. That was after.

4 Q. So, you left Mount Eden Parkway and  
 5 you went where?

6 A. I got a room on 158th Street.

7 Q. Single room occupancy, SRO?

8 A. Beg your pardon?

9 Q. Single room occupancy or did you  
 10 rent an apartment or a room in an apartment?

11 A. It was a room inside of an  
 12 apartment.

13 Q. You continued to work at various  
 14 jobs or at a particular job?

15 A. As I said, I did some work with a  
 16 roofing company. Then I got involved in some --  
 17 I used to sell stuff down on Green Street down  
 18 near Canal. I would buy merchandise and go down  
 19 there and sell it on weekends. That's how I  
 20 supported myself. During that time I caught a  
 21 violation of my parole from the '93 to '95  
 22 conviction, which in turn resulted in my being  
 23 at Project Return.

24 Q. What was the violation of your  
 25 parole; what caused you to be there, not

Page 63

1 Williams 66  
 2 A. While at Project Return, there were  
 3 several individuals at Project Return who  
 4 brought patients at Spellman Clinic a/k/a St.  
 5 Clare's Hospital. These people were, I suppose,  
 6 busy this particular day and I had to take Jose,  
 7 to escort him to St. Clare's. His last name I  
 8 don't remember.

9 While there, I was asked to take some  
 10 test. Jose said, go ahead man take it, do a  
 11 physical or something to that effect. I had my  
 12 public assistance card with me, because as soon  
 13 as you go under Project Return, you are not  
 14 allowed to work. You immediately go on public  
 15 assistance medical, whatever they call,  
 16 Medicaid. I had my credentials on me. So I  
 17 gave them the credentials. They did the  
 18 paperwork. Next thing you know they extracted  
 19 blood.

20 Q. Let me just back up a little bit.  
 21 While at Project Return, somebody there asked  
 22 you to accompany Jose to Spellman Clinic?

23 A. Somebody, the staff, when you are  
 24 classified, certain people under certain  
 25 classifications have to be escorted and I was

		Page 67		Page 70	
1	Williams	67	1	Williams	70
2	elected to escort him to 415 West 51st Street,		2	of that nature.	
3	St. Clare's Hospital and Health Center.		3	Q. Were you suffering from any	
4	Q. If you know, what was Jose's		4	symptoms at that time, on that particular day	
5	condition or medical problem which required him		5	that you took Jose?	
6	to be escorted by you to the Spellman Clinic?		6	A. Absolutely not.	
7	A. I did not have privilege to that		7	Q. So what would be the reason for you	
8	information.		8	wanting to take tests at a hospital without	
9	MR. GELLER: I'm just going to		9	symptoms, without feeling sick, what would	
10	object to the form. Was the question		10	possess you to do that?	
11	what was his condition that caused him to		11	A. What possessed me to do that, just	
12	be escorted?		12	get a status of my health.	
13	MR. SILVERSON: If he knew,		13	Q. When you went to the drug program,	
14	apparently there was some patients that		14	didn't they do a physical examination prior?	
15	could go voluntarily and others who		15	A. Absolutely not.	
16	needed escort.		16	Q. Weren't your medical records	
17	MR. GELLER: I just want to make		17	available to the personnel at Project Return to	
18	sure I understood the question.		18	determine what the status of your health was?	
19	A. I just told you that.		19	A. Repeat that.	
20	Q. Did he need physical assistance,		20	Q. Let me ask another question.	
21	was he in a wheelchair, was he on crutches?		21	Did you wait for Jose that day after his	
22	A. No. It was due to his		22	consultation and then take these tests that you	
23	classification.		23	talked about, or was it before you went in for	
24	Q. Do you know what that		24	his consultation?	
25	classification was?		25	A. It was during his consultation.	
		Page 68		Page 71	
1	Williams	68	1	Williams	71
2	A. Yes. He has to be escorted where		2	Q. Did you have to fill out some	
3	he goes for a certain period of time.		3	forms?	
4	Q. Do you know whether or not Jose,		4	A. Absolutely.	
5	was treating at Spellman for an AIDS related		5	Q. When you filled out those forms,	
6	disease, if you know?		6	did you realize then that it was an HIV section	
7	A. Now let's back up, when you say did		7	of the hospital, that was testing for HIV?	
8	I know, did I know at what point in time?		8	A. I did not find out that that was an	
9	Q. At the time you took him.		9	HIV clinic until approximately two weeks later.	
10	A. No.		10	Q. So even though you took Jose to the	
11	Q. Tell me, when you took him to the		11	third floor, which you told me was an HIV	
12	hospital where in the hospital did you take		12	section of the hospital and he was going for a	
13	Jose?		13	consultation, you had no idea that either he was	
14	A. To the third floor.		14	being treated for HIV or patients there were	
15	Q. What's on the third floor, if you		15	being treated for HIV?	
16	know?		16	A. I didn't even know he was HIV	
17	A. When you go to the third floor--		17	positive.	
18	Q. It's not the emergency room, is it?		18	Q. I didn't say whether he was	
19	A. No.		19	positive or negative. Did you at some time find	
20	Q. It's another part of the hospital.		20	out that he was HIV positive?	
21	Do you know what department it is?		21	A. Everyone of them was being treated.	
22	A. It's the area where they see people		22	I shouldn't say everyone, because I wasn't.	
23	with HIV AIDS related diseases.		23	MR. GELLER: Could the court	
24	Q. While you were there with Jose,		24	reporter read back the question that you	
25	were you required to stay with him when he met		25	just asked.	
		Page 69		Page 72	
1	Williams	69	1	Williams	72
2	with the medical professional, whoever he was		2	(Whereupon, the prior question was	
3	going to see?		3	read back by the reporter.)	
4	A. I was required to be with him		4	MR. GELLER: Do you understand the	
5	everywhere except when he was in consultation.		5	question?	
6	Q. Do you recall whether Jose had a		6	MR. SILVERSON: The question was,	
7	consultation that day?		7	did he find out that Jose was HIV	
8	A. That was the reason why I escorted		8	positive.	
9	him.		9	MR. GELLER: What's the time period	
10	Q. Did you remain in the hospital		10	for the question?	
11	while he had that consultation?		11	MR. SILVERSON: That day he went	
12	A. After we arrived there, he had to		12	there with Jose, that's the only time	
13	wait until the physician was available to see		13	period.	
14	him. During this time he urged me to do some		14	A. No, I did not.	
15	paperwork and take a test.		15	Q. When you filled out the forms, did	
16	Q. This is on the third floor of St.		16	you indicate any symptoms that you were	
17	Clare's which treats HIV patients. Mr.		17	suffering at that time to be tested at St.	
18	Williams, why would you want to take a test at		18	Clare's Hospital on that particular day?	
19	that part of the hospital dealing with HIV		19	A. Mr. Silverson, I don't recall	
20	patients?		20	filling out the forms myself. I do recall	
21	A. First of all, let's get something		21	having someone ask me questions while filling	
22	understood here. I didn't know this was an HIV		22	out the forms. Neither they or anyone else	
23	clinic, that was number one.		23	indicated to me the status or the practice of	
24	Number two, I just thought it was a		24	this particular area of the hospital.	
25	medical facility that does physicals and stuff		25	Q. Mr. Williams, prior to the time	

	Williams	73	Page 73		Williams	76	Page 76
1	that you went to St. Clare's on that particular day, did you have knowledge of what HIV and AIDS was, in terms of a disease?			1	escort people to and from the hospital, that you would have had to have been in Project Return for a certain period of time?		
2	A. Like any other person of ignorance, I just thought it was a disease that homosexuals and intravenous drug users get and people who are careless and promiscuous.			2	A. Yes.		
3	Q. You knew that because you had been tested in the prison, you had taken an HIV test?			3	Q. During that certain period of time, whatever it was, whether it was a week, a month, two months, whatever that time period was, did you have any concerns about your health?		
4	A. I knew that because of the -- I knew that information because of general information.			4	A. No.		
5	Q. You also knew when you got out of prison and while in prison that having been tested for HIV you were found to be negative for HIV?			5	Q. So that on the particular day that you took Jose to the hospital, was that the first time that you had any concerns about testing yourself, to determine the status of your health?		
6	A. Correct.			6	A. I wouldn't call it a concern. I would call it being compulsive. Because I was in a medical institution. They do test. I was free, Jose was occupied. I couldn't leave until he was ready. So why not take a test, take a checkup.		
7	Q. So my question to you now is, when you went to St. Clare's on that day with Jose, what was the purpose of you, number one, filling out forms to be examined and be tested at St. Clare's, what was your purpose and intent?			7	Q. Had you ever escorted Jose before this?		
8	MR. GELLER: Objection to the form. That was asked and answered.			8	A. No.		
9				9	Q. Did you know Jose from living in		
10				10			
11				11			
12				12			
13				13			
14				14			
15				15			
16				16			
17				17			
18				18			
19				19			
20				20			
21				21			
22				22			
23				23			
24				24			
25				25			
	Williams	74	Page 74		Williams	77	Page 77
1	Q. Was there anything that happened from the time you got out of prison until that day that you went to St. Clare's by way of having unprotected sex, intravenous drug use or any homosexual activity, that would lead you to believe that you might have contracted the disease?			1	Project Return?		
2	A. When I was at St. Clare's I didn't undergo those tests, because I thought it was basically a physical.			2	A. I've seen him. I didn't associate with him.		
3	I was in the streets, I was drinking, possibly even doing some drugs. And mind you I was already told prior to leaving prison that I should eat healthy and drink if I wanted my liver to refurbish it's own self. Having not abided by that particular suggestion by a medical physician, I just wanted to see if I can possibly get information on whether I did any further damage to myself in that regard.			3	Q. On that particular day, did Jose discuss anything with you regarding his condition or anything else regarding his health?		
4	Q. So are you saying that from the time you were released from prison, that you used intravenous drugs?			4	A. Absolutely not.		
5	MR. GELLER: Objection. That mischaracterizes his testimony.			5	Q. Did you have any general discussions about factors, to the extent that people that are diagnosed with HIV, being found HIV positive, get certain housing benefits and financial subsidies once found to be HIV positive?		
6				6	MR. GELLER: Object to the form.		
7				7	Is that a question?		
8				8	MR. SILVERSON: Yes.		
9				9	MR. GELLER: Could you repeat the question.		
10				10	Q. Did you have any knowledge of the fact that people who are found to be HIV positive are entitled to certain financial benefits, such as housing subsidies and the benefits of prescription medications to treat the virus, were you aware of that?		
11				11			
12				12			
13				13			
14				14			
15				15			
16				16			
17				17			
18				18			
19				19			
20				20			
21				21			
22				22			
23				23			
24				24			
25				25			
	Williams	75	Page 75		Williams	78	Page 78
1	Q. There was something that made you want to be further tested; correct?			1	A. Aware when?		
2	A. No. There was something that made me want to just get checked out. Not tested.			2	Q. At the time you went to St. Clare's Hospital with Jose.		
3	Q. By the way, how long had you been at Project Return before you escorted Jose to St. Clare's?			3	A. The initial time?		
4	A. I don't recall.			4	Q. Yes, sir.		
5	Q. Would it be more than a month?			5	A. Absolutely not.		
6	A. I can't recall.			6	Q. Did there come a time that you did learn about that, the benefits that one receives?		
7	Q. Would it be fair to say that you resided at Project Return from about February of 1996 through January of 1997; would that be fair to say?			7	A. Yes.		
8	A. That's not a fair assumption, because I just said I can't recall.			8	Q. When was that?		
9	Q. If I were to tell you that the records reflect that you were in Project Return from February of '96 to January of '97, would that refresh your memory as to whether you were there during that time period?			9	A. After St. Clare's diagnosed me as being HIV positive.		
10	A. It would not.			10	Q. What information did you learn after being diagnosed HIV positive regarding housing?		
11	Q. Would it be fair to say that before you were given the duties of an escort, to			11	Let's start with housing allowance as a subsidy.		
12				12	A. What did I learn?		
13				13	Q. Yes.		
14				14	A. That I can get assistance.		
15				15	Q. What type of assistance would that be?		
16				16	A. Just assistance with housing.		
17				17			
18				18			
19				19			
20				20			
21				21			
22				22			
23				23			
24				24			
25				25			

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1 Williams 79

2 Q. How about food?  
 3 A. I didn't need food. I had food at  
 4 Project Return.  
 5 Q. If you were found to be HIV  
 6 positive, didn't you learn that if you found a  
 7 residence to live, that you would get some  
 8 benefit from the State or the Federal government  
 9 in regard to defraying the cost of paying for  
 10 that housing?

11 A. You get food and public assistance  
 12 without being sick, from Welfare.

13 Q. In addition to the public  
 14 assistance that you were getting, did you learn  
 15 that people who are diagnosed with HIV and found  
 16 to be positive, in addition to their public  
 17 assistance, got additional monies for having  
 18 been found to be HIV positive?

19 A. People don't get additional money.  
 20 You may get some assistance with housing, but  
 21 you do not get any increase other than what you  
 22 would get when you're normally homeless on the  
 23 street. You get nothing additional to that.  
 24 And if you did, I was never informed of it.

25 Q. What tests did you take on the day

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1 Williams 82  
 2 state for the record that the date here  
 3 next to the signature is the 10th of  
 4 November 1996.

5 MR. SILVERSON: In that  
 6 regard--

7 Q. The date you took Jose to St.  
 8 Clare's Hospital, and the date which you say you  
 9 scheduled some tests for yourself, do you recall  
 10 what that date was?

11 A. No, I do not.

12 Q. By looking at what's been marked as  
 13 Defendant's A for identification on which you've  
 14 identified your signature thereon, would either  
 15 November 10 or November 11 refresh your memory  
 16 as to what date you went to St. Clare's Hospital  
 17 with Jose?

18 A. No. It doesn't actually refresh my  
 19 memory. This is the document that I signed on  
 20 the initial visit. I would have to conclude  
 21 that it's correct.

22 Q. There are two dates on this form,  
 23 one says November 11 and one says November 10.  
 24 The date that you took Jose to St. Clare's, was  
 25 that the same date that you took the test or was

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1 Williams 80

2 you went with Jose to St. Clare's?

3 A. What tests did I take?

4 Q. Yes.

5 A. All I can tell you is that they  
 6 extracted blood.

7 Q. Where within the hospital did you  
 8 go for that?

9 A. Where in the hospital did I go for  
 10 that?

11 Q. Yes.

12 A. I went right there on the third  
 13 floor.

14 Q. The forms that you filled out--

15 MR. GELLER: Just to have a clear  
 16 record, this is the same certified copy  
 17 that was sent over to us maybe a week or  
 18 so ago? What's the date on the front?

19 For the record, the first page is  
 20 the same.

21 MR. SILVERSON: This is a copy of  
 22 the record. We got an original  
 23 signature, I guess you got one as well.

24 MR. GELLER: Yes. From that date,  
 25 November 9.

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1 Williams 83  
 2 that the date that you just filled out the  
 3 forms?

4 A. That's the date I filled out the  
 5 forms and took a test.

6 Q. What test did you take on the date  
 7 that you filled out the forms?

8 A. I don't know.

9 Q. There are many tests in a hospital.  
 10 Did you take a urine test?

11 A. No.

12 Q. Did they do what's called an EKG?

13 A. No.

14 Q. Do you know what an EKG is?

15 A. Yes.

16 Q. Did you have a physical exam by a  
 17 medical doctor or a nurse?

18 A. That's what I thought I was going  
 19 to have, but no.

20 Q. Did someone check your extremities,  
 21 meaning arms, legs, ears, nose, throat, head,  
 22 that kind of thing?

23 A. That's what I thought I was going  
 24 to have.

25 Q. What test did you have?

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1 Williams 81

2 MR. SILVERSON: I may want to make  
 3 a reference to the record.

4 MR. GELLER: Off the record.

5 (Whereupon, a discussion was held  
 6 off the record.)

7 MR. SILVERSON: Let's mark these  
 8 records as Defendant's Exhibit A subject  
 9 to the originals.

10 (Whereupon, the above referred to  
 11 document was marked, "Defendant's Exhibit  
 12 A for identification," as of this date,  
 13 by the reporter.)

14 Q. Mr. Williams, let me show you what  
 15 has been marked as Defendant's Exhibit A for  
 16 identification. It's entitled a consent form  
 17 from St. Clare's Hospital dated November 11,  
 18 1996.

19 I just ask if that's your signature on  
 20 the page?

21 A. Yes, it's my signature.

22 Q. Would that indicate, Mr. Williams,  
 23 that you were present at St. Clare's Hospital on  
 24 November 11, 1996?

25 MR. GELLER: I'm just going to

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1 Williams 84  
 2 A. All they did was extract blood.

3 Q. At the time that happened, did you  
 4 ask anybody what other tests you would need to  
 5 take or anything about the blood test that was  
 6 being given to you at that time?

7 A. Only thing that I asked was, what  
 8 happened to the checkup that I thought I was  
 9 going to have.

10 Q. What did they tell you?

11 A. They just said you'll be scheduling  
 12 another appointment.

13 Q. This first blood test, did you ask  
 14 them whether you would get results that very  
 15 same day or did they tell you to come back at  
 16 another day?

17 A. I can't recall.

18 Q. Did you come back another day after  
 19 that first test?

20 A. Yes.

21 Q. Did you ever get the results of  
 22 that first test?

23 A. Yes.

24 Q. What were the results of that test?

25 A. Non-reactive.

1 Williams 85  
 2 Q. What did you understand the words,  
 3 non-reactive, to mean?  
 4 A. I had no idea what they were  
 5 talking about.  
 6 Q. Did you ask somebody?  
 7 You've been in hospitals and treated with  
 8 doctors before. Did you think to ask anybody  
 9 what the words, non-reactive, meant in terms of  
 10 your blood test?  
 11 A. No.  
 12 Q. Did it seem to be a good thing or a  
 13 bad thing to you at the time?  
 14 A. I had no idea. I mean, it really  
 15 didn't register.  
 16 Q. Did you know at the time that the  
 17 blood that was taken from you, whatever date  
 18 that was, was going to be tested for HIV virus?  
 19 A. No.  
 20 Q. You did not know that?  
 21 A. No.  
 22 Q. Did you have any idea what the  
 23 blood test was being taken for and what results  
 24 the doctors were looking for within the blood?  
 25 A. No.

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1 Williams 88  
 2 escorting someone.  
 3 Q. What you just said, you took the  
 4 blood test on the day you brought Jose there;  
 5 right?  
 6 A. Right.  
 7 Q. Then you went back to get the  
 8 results on another day?  
 9 A. Yes.  
 10 Q. Were you escorting Jose again on  
 11 that particular day?  
 12 A. Yes.  
 13 Q. When you say, you wanted to get out  
 14 of there, meaning you wanted to get back to  
 15 wherever you were taking Jose?  
 16 A. Yes.  
 17 Q. So he had gone with you the second  
 18 time?  
 19 A. Actually, I didn't even tell  
 20 Project Return that I had an appointment. As  
 21 far as I was concerned, it was just a checkup,  
 22 you know. Whether I got the results or not, it  
 23 really wasn't -- I felt good. So it really  
 24 didn't matter.  
 25 Q. You felt good?

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1 Williams 86  
 2 MR. GELLER: Object to the form.  
 3 If you could break it up.  
 4 MR. SILVERSON: I'll just ask  
 5 another question.  
 6 Q. Who told you the test was  
 7 non-reactive?  
 8 A. The physician who gave me the  
 9 results.  
 10 Q. Other than saying those words to  
 11 you, was there any other explanation given?  
 12 A. I don't understand what you mean.  
 13 Q. Did the doctor say, you're  
 14 non-reactive and we'd like you to take another  
 15 test, or you don't need to worry, your blood is  
 16 fine or something else?  
 17 A. It was more or less, like, your  
 18 blood is non-reactive, we're going to take  
 19 another test. Because I recall them saying  
 20 something wasn't conclusive to what they were  
 21 looking for. And that's why they wanted to run  
 22 more tests.  
 23 Q. Did they tell you what it was they  
 24 were looking for?  
 25 A. No.

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1 Williams 89  
 2 A. I felt excellent, yes.  
 3 Q. Do you recall at Project Return  
 4 that there was a nursing staff there?  
 5 A. Yes.  
 6 Q. Do you recall that during the time  
 7 you were there and prior to going for this test  
 8 that you had been either examined or had a  
 9 consultation with the nursing staff?  
 10 MR. GELLER: Object to the form.  
 11 Q. Prior to escorting Jose and then  
 12 subsequently for your blood test, had you made  
 13 any medical complaints to the nurse at Project  
 14 Return?  
 15 A. Regarding?  
 16 Q. I'll tell you in a second.  
 17 While at Project Return, did you  
 18 regularly go for medical checkups, was that part  
 19 of the requirement while you were there?  
 20 A. I don't understand your question.  
 21 Q. It's a drug program, so for  
 22 example, do they periodically test your urine to  
 23 see if you are using drugs?  
 24 A. Yes.  
 25 Q. If you're sick, if you are not

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1 Williams 87  
 2 Q. Do you recall the name of this  
 3 person?  
 4 A. No.  
 5 Q. Do you know whether this person was  
 6 a doctor, nurse or technician?  
 7 A. No. A technician would be someone  
 8 like a phlebotomist, correct?  
 9 Who is the technician?  
 10 Q. Well, meaning a medical technician  
 11 of some kind, meaning a phlebotomist or an aide,  
 12 a nursing aide, somebody that would draw blood?  
 13 A. It was someone who had a medical  
 14 degree.  
 15 Q. When they said they were looking  
 16 for something, did you make any inquiry as to  
 17 what it was that they were looking for?  
 18 A. No.  
 19 Q. Did they tell you what other  
 20 testing they wanted to do, because you had  
 21 indicated they said they wanted to do further  
 22 tests.  
 23 A. No. At this particular point, I'm  
 24 quite sure I just wanted to hurry up and get out  
 25 of there. On this particular day I was

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1 Williams 90  
 2 feeling well, if you have a cold or if you have  
 3 complaints of headaches or other ailments, do  
 4 you have the availability of going to the nurse  
 5 or the medical person at Project Return to get  
 6 treatment or to get help?  
 7 A. Yes.  
 8 Q. Do you recall at or about the time  
 9 that you went to St. Clare's with Jose that you  
 10 had made any such complaints about your health,  
 11 meaning that you were sick and not feeling well?  
 12 A. I got a cold or something. I don't  
 13 understand the question.  
 14 Q. You said your health was  
 15 excellent?  
 16 A. Yes. My health was excellent.  
 17 Q. You went to St. Clare's with Jose  
 18 and you decided to get a further check up on  
 19 your health?  
 20 A. Yes.  
 21 Q. What I'm saying is, prior to that,  
 22 had you had any complaints that you made to the  
 23 Project Return Foundation nurse about your  
 24 health condition?  
 25 A. I don't recall.

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1 Williams 91  
 2 Q. Do you ever recall speaking to a  
 3 Dr. Akum?  
 4 A. No.  
 5 Q. Were you on any medications while  
 6 at Project Return for any health condition that  
 7 you had?  
 8 A. I don't recall.  
 9 Q. Did you ever have a neurological  
 10 consult while at Project Return for any  
 11 complaints of pain in any of your extremities?  
 12 A. Neurological, meaning something  
 13 regarding my nervous system?  
 14 Q. Yes.  
 15 A. Not that I recall.  
 16 Q. Do you recall being prescribed  
 17 Naprosyn or Motrin as a drug for pain while  
 18 there?  
 19 A. I recall getting Naprosyn from  
 20 Spellman Clinic.  
 21 Q. But not from Project Return?  
 22 A. No.  
 23 Q. Did you receive any medications to  
 24 your knowledge from Project Return while there  
 25 and while you were attending St. Clare's

1 Williams 94  
 2 Q. The first test that you got there,  
 3 did you ever state to anyone at the hospital  
 4 that that test and that blood was not your  
 5 blood?  
 6 A. No.  
 7 Q. Did there ever come a time that you  
 8 went for a test at St. Clare's for a blood test  
 9 and that you had to wait too long and you got  
 10 impatient and left and didn't take the test?  
 11 A. I can't recall ever leaving or  
 12 being impatient.  
 13 Q. Did there come a time that a blood  
 14 test was scheduled at St. Clare's, you showed up  
 15 at St. Clare's, and at some point you left  
 16 before taking the test?  
 17 A. Usually when it's time to take  
 18 blood, the phlebotomist is always available.  
 19 We used to call them dracula.  
 20 Q. Let's go to the second test. The  
 21 first test, there was something there but they  
 22 weren't sure. And the second test shows that  
 23 your --  
 24 MR. GELLER: Objection to form.  
 25 That's mischaracterizing the testimony.

1 Williams 92  
 2 Hospital, for these tests that you recall?  
 3 A. From my recollection, Project  
 4 Return cannot prescribe medication.  
 5 Q. Did you have any type of major  
 6 depression or psychotic episodes while at  
 7 Project Return?  
 8 A. After St. Clare's gave me those  
 9 diagnosis, yes.  
 10 Q. Meaning the diagnosis of HIV  
 11 positive?  
 12 A. Yes.  
 13 Q. Then you had a psychotic episode?  
 14 A. I wouldn't say I was psychotic. I  
 15 would say depressive.  
 16 Q. Can you describe for me what  
 17 reaction you had after learning that you had the  
 18 HIV virus?  
 19 A. I was completely overwhelmed. All  
 20 I thought of was my day of death is sure to come  
 21 soon.  
 22 Q. Did you request help from a  
 23 psychologist or psychiatrist to deal with this  
 24 issue at that time?  
 25 A. I'm not sure if I did or not, but I

1 Williams 95  
 2 MR. SILVERSON: whatever the  
 3 testimony is, it is.  
 4 Q. The second test apparently showed  
 5 that you were HIV positive; is that correct?  
 6 A. The first test was what?  
 7 Q. You told me about the first test.  
 8 I have no idea what the first did. You told me  
 9 the test--  
 10 A. Repeat the question, please.  
 11 Q. Let me start again. There was a  
 12 series of blood tests that you took at St.  
 13 Clare's, which is the subject of this lawsuit.  
 14 There was a first test that you took when you  
 15 went with Jose. Then you got some results, and  
 16 that there was no finding of HIV on those tests.  
 17 Then there was a second test scheduled  
 18 for you. I don't know whether you recall the  
 19 dates or not, but for the purposes of this  
 20 deposition assume that it was a week or so  
 21 later.  
 22 Do you remember going for a second blood  
 23 test?  
 24 A. I remember going in.  
 25 Q. This was the test that would have

1 Williams 93  
 2 think I did speak to one and I'm not sure whom.  
 3 Q. After the first visit and after  
 4 that first test when the doctor said they wanted  
 5 to retest you, did you go back for another blood  
 6 test to St. Clare's?  
 7 A. Repeat that?  
 8 Q. The day you went with Jose, you had  
 9 a blood test, the first time?  
 10 A. Yes.  
 11 Q. You came back a second time and you  
 12 met with a medical doctor who told you that they  
 13 wanted to do further tests. Did you, in fact,  
 14 go back to St. Clare's and have further blood  
 15 tests?  
 16 A. I was already at St. Clare's when  
 17 they did the test.  
 18 Q. There was a second test done on or  
 19 about, I guess, the 19th of November according  
 20 to the records. Does that refresh your  
 21 recollection as to the date the second test was  
 22 done?  
 23 A. Whenever I went to St. Clare's it  
 24 usually was to get results of the previous test.  
 25 And they take more tests.

1 Williams 96  
 2 showed up positive.  
 3 A. Your question is, did I go back for  
 4 a blood test?  
 5 Q. Let me try again.  
 6 There is a series of blood tests that you  
 7 took at St. Clare's in the months of November  
 8 and December of 1996. Do you recall doing that?  
 9 A. Yes.  
 10 Q. There was also one in 1997 that you  
 11 took as well at St. Clare's?  
 12 A. Yes.  
 13 Q. The first test that you took, the  
 14 first day that you got there, we're trying to  
 15 find out that date, it's somewhere around 11 or  
 16 12th of November.  
 17 MR. GELLER: Objection to form. I  
 18 think the record says the 10th or 11th.  
 19 MR. SILVERSON: Yes, the 10th or  
 20 11th.  
 21 Q. Either of those dates, that was the  
 22 first time that you took blood at St. Clare's  
 23 and that was the one where you told me that the  
 24 doctors were equivocal, they couldn't make any  
 25 findings as to whether or not there was any HIV

JIMMIE MECCYA WILLIAMS

Condensed

02/28/2007

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1	Williams	97	Page 97
2	virus?		
3	A. I took a test on that day. No		
4	results was given to me that day.		
5	Q. You came back and got the results?		
6	A. Right.		
7	Q. What were the results?		
8	A. As I said, something to the effect		
9	that non-reactive and they want further testing		
10	done.		
11	Q. Now I'm going to the next test,		
12	after the non-reactive finding.		
13	The next test, would it be fair to say it		
14	was about a week later?		
15	A. It was when I went back the second		
16	time.		
17	Q. Yes.		
18	A. They extracted more blood.		
19	Q. Did you get a result of that second		
20	test?		
21	A. Yes.		
22	Q. That result was an HIV positive		
23	finding?		
24	A. Yes.		
25	Q. Did there come a time that you took		

1	Williams	100	Page 100
2	A. I can't recall that either.		
3	Q. Does the name, Miss Roehrig, a		
4	physician's assistant, ring a bell as to		
5	refreshing your memory?		
6	A. Yes.		
7	Q. Was she the person that you dealt		
8	with during the time period that the blood tests		
9	were being given?		
10	A. Not exclusively, no.		
11	Q. What contact did you have with Miss		
12	Roehrig during the months of November and		
13	December of 1996 and January of 1997?		
14	A. She is the physician who told me		
15	the results of the blood work. And she is the		
16	physician who had -- well, this is what I		
17	remember her saying. She said that she had to		
18	confirm with someone in order to see if they		
19	were going to start treatment. I remember her		
20	leaving the examination room, coming back and		
21	saying that treatment needs to be started		
22	immediately.		
23	Q. Was she the person that first told		
24	you that you were HIV positive?		
25	A. That I don't remember.		

1	Williams	98	Page 98
2	a third test?		
3	A. Yes.		
4	Q. Do you recall how soon after that		
5	second test the third test came?		
6	A. Do I recall?		
7	Q. Yes.		
8	A. How soon?		
9	Q. Well, if I were to tell you that it		
10	was approximately a month later, would that be a		
11	fair statement?		
12	A. I couldn't say.		
13	Q. Would it refresh your memory if I		
14	told you that the records reflect that you had a		
15	blood test on the 17th of December 1996, which		
16	was approximately almost 30 days after the		
17	second test?		
18	A. Yes.		
19	Q. And that third test came back and		
20	showed HIV positive?		
21	A. Yes.		
22	Q. Then there was a fourth test in		
23	January of 1997, approximately a couple of weeks		
24	after that also?		
25	A. Yes.		

1	Williams	101	Page 101
2	Q. I believe her first name is Dawn		
3	Roehrig?		
4	A. I can't be absolute.		
5	Q. Dr. Lazarus, what part did he take		
6	in these blood tests that you had?		
7	When I say blood tests, I'm referring to		
8	the tests that were taken in November, December		
9	and January.		
10	A. What part did he play?		
11	Q. Yes. What did he do with you by		
12	way of medical treatment or consultation?		
13	A. I can't recall Dr. Lazarus. As I		
14	said before, I met, I've interacted with		
15	numerous physicians at St. Clare's Hospital and		
16	Health Center. And whom they were by name, I		
17	don't know.		
18	Q. Dr. Lazarus, was he one of the		
19	persons that drew your blood, did he actually		
20	draw?		
21	A. No. It was a phlebotomist who drew		
22	the blood.		
23	Q. Dr. Lazarus, on any of the		
24	occasions that you got your blood results back,		
25	did he discuss with you what the findings were?		

1	Williams	99	Page 99
2	Q. Having had those tests and having		
3	found out that you were HIV positive, were you		
4	prescribed some medication and treatment?		
5	A. Yes.		
6	Q. First of all, do you recall any		
7	doctor that you dealt with after finding out		
8	that you were HIV positive, do you know the name		
9	of the doctor?		
10	A. No.		
11	Q. Who is Dr. Lazarus?		
12	A. Dr. Lazarus is the doctor who was		
13	named on most of my medical documents from St.		
14	Clare's.		
15	Q. When did you first meet Dr.		
16	Lazarus?		
17	A. I can't recall.		
18	Q. Was it at any time within the time		
19	frame of those blood tests that you had, that		
20	showed that you were HIV positive?		
21	A. I beg your pardon?		
22	MR. SILVERSON: Can you repeat the		
23	question.		
24	(Whereupon, the prior question was		
25	read back by the reporter.)		

1	Williams	102	Page 102
2	A. I can't recall that.		
3	Q. Did you go to his office for		
4	treatment after, the year of 1997, after being		
5	diagnosed with HIV?		
6	A. Well, since he was the chief		
7	physician I would think that, yes, from the		
8	beginning I was entering his offices within the		
9	confines of St. Clare's Hospital.		
10	Q. Did you meet with him and did he		
11	conduct physical examinations?		
12	A. I can't say I had. I can't say I		
13	met him. I met numerous physicians there and		
14	who they are, I can't recall.		
15	Q. Mr. Williams, when you started this		
16	lawsuit, you did it by what they call pro se, by		
17	yourself?		
18	A. Yes.		
19	Q. You named him as a named defendant		
20	in the lawsuit?		
21	A. Yes.		
22	Q. You made certain allegations as to		
23	what he did or didn't do in regards to treating		
24	you?		
25	A. That is correct.		

1 Williams 103  
 2 Q. What I'm trying to find out is what  
 3 things he did or didn't do in terms of your  
 4 treatment, what you can recall.  
 5 For example, when was the first time that  
 6 you met Dr. Lazarus?  
 7 A. May I confer with my counsel?  
 8 Q. Sure.  
 9 MR. SILVERSON: Off the record.  
 10 (Whereupon, a discussion was held  
 11 off the record.)  
 12 Q. The question, more simply put is,  
 13 when did you first meet Dr. Lazarus?  
 14 A. I don't recall if I ever met Dr.  
 15 Lazarus or not.  
 16 The reason why I had Dr. Lazarus as a  
 17 defendant is because he is on all my paperwork,  
 18 his name is on all my paperwork. I had my  
 19 sister make an inquiry for me back in 2003 or  
 20 2004 when I was drafting my complaint and  
 21 interrogatories as to who Dr. Lazarus was. And  
 22 I was apprised that Dr. Lazarus was the chief  
 23 physician. So he, to me of course, appeared to  
 24 be the most credible defendant to name in my  
 25 petition.

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1 Williams 104  
 2 Q. So your answer to my question about  
 3 meeting with him is, you don't have any  
 4 recollection of any specific meetings and  
 5 whatever allegations you set forth in your  
 6 complaint as to him was based on the fact that  
 7 he was head of the department or in some  
 8 capacity showed up on your name plate on various  
 9 medical documents at St. Clare's?  
 10 A. Correct.  
 11 Q. You had more direct contact then  
 12 with Miss Roehrig in terms of your testing in  
 13 the initial stages of your appearances at St.  
 14 Clare's, that she was the physician's assistant  
 15 who had some discussion with you about your  
 16 condition; right?  
 17 A. I spoke with her on numerous  
 18 occasions.  
 19 Q. What advice did she give you in  
 20 terms of how to treat the condition that had  
 21 been diagnosed as being HIV positive, did she  
 22 give you a checklist of things to do or did she  
 23 refer you to a physician or some other entity to  
 24 help you with this condition?  
 25 MR. GELLER: I object to the form.

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1 Williams 105  
 2 I think that mischaracterizes his  
 3 testimony. You can go ahead and answer  
 4 if you understand.  
 5 A. Miss Roehrig was -- basically she  
 6 gave advice on how I should not miss taking the  
 7 medication. I should be consistent with taking  
 8 the medication. She put emphasis on how  
 9 dangerous it would be for me to discontinue it  
 10 at any time. She told me that I should be  
 11 careful to let -- to keep my viral load down.  
 12 In the beginning I had no idea what she was  
 13 talking about, until we had a little more in  
 14 depth conversation of what viral loads are and  
 15 stuff of this nature, which helped me to be more  
 16 informative about the diagnosis which they were  
 17 treating me for.  
 18 Q. As best as you can remember by way  
 19 of substance of what she told you, what did she  
 20 tell you about viral loads and your treatment;  
 21 you said she went into some depth, as best as  
 22 you can remember.  
 23 A. She said that the viral load is  
 24 something that determines the virus in like  
 25 regard to your blood or something to that

1 Williams 106  
 2 effect -- that there is an amount of virus that  
 3 you have in your blood. Then she was saying  
 4 that the medication would keep it low. And for  
 5 me to be very prompt and being on time taking  
 6 this medication.  
 7 Q. Do you recall the names of the  
 8 medications that was prescribed for you to  
 9 combat the HIV positive virus that they  
 10 identified?  
 11 A. Epivir, Retrovir and Saquinavir.  
 12 Q. These are pills?  
 13 A. Yes.  
 14 Q. Are they to be taken daily?  
 15 A. Yes.  
 16 Q. They're three different types of  
 17 pills that you would take?  
 18 A. Well, actually there were numerous  
 19 of other medications.  
 20 Q. Can you identify those for me?  
 21 A. No.  
 22 Q. Were they related to the treatment  
 23 of the virus?  
 24 A. Yes.  
 25 Q. Can you tell me what they were?

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1 Williams 107  
 2 A. I can tell you some of the names.  
 3 I can't give you the complete list of all of  
 4 them.  
 5 Q. It's in your record, so just do the  
 6 best you can?  
 7 A. She had me on two types of Prozac,  
 8 Zithromax.  
 9 Q. Prozac is an antidepressant drug;  
 10 is it not?  
 11 A. That is correct.  
 12 Q. That was part of your treatment  
 13 plan?  
 14 A. That was part of what they were  
 15 giving me.  
 16 MR. GELLER: I'm just going to ask  
 17 for a pause for one second. I want to  
 18 confer with him.  
 19 Off the record.  
 20 (Whereupon, a discussion was held  
 21 off the record.)  
 22 MR. SILVERSON: You can continue  
 23 with your answer.  
 24 A. All these various medications that  
 25 were prescribed to me were not prescribed

1 Williams 108  
 2 exclusively by Roehrig. They were prescribed by  
 3 a number of doctors under the supervision of Ted  
 4 Lazarus. So when I give you some of the names  
 5 of the medications that was prescribed to me, it  
 6 wasn't prescribed exclusively by Dawn Roehrig.  
 7 Q. I understood that, but I'm glad you  
 8 clarified it.  
 9 A. Zithromax, Prozac, Naprosyn,  
 10 Megace, Elavil. The list goes on.  
 11 Q. Were some of these pills taken as  
 12 needed or were they taken on a daily basis or  
 13 several times a day depending on the  
 14 prescription?  
 15 MR. GELLER: Object to the form,  
 16 compound.  
 17 Q. For example, the drugs that were  
 18 combating the AIDS virus, the ones that you  
 19 mentioned, the Epivir, Retrovir and Saquinavir,  
 20 those were all drugs that you took on a daily  
 21 basis; is that correct?  
 22 A. Yes.  
 23 Q. When did you commence or when did  
 24 you start taking those drugs?  
 25 A. They had me start on that

1 Williams 109  
 2 medication -- when I say, they--  
 3 Q Meaning someone at the hospital?  
 4 A. Meaning people, the staff.  
 5 Q. Any reference to they, it will be  
 6 understood that you're meaning people at St.  
 7 Clare's Hospital.  
 8 A. Right. And not specifically or  
 9 exclusively any one person.  
 10 Q. A variety of staff people?  
 11 A. Yes.  
 12 Q. Understood.  
 13 A. It started after the first viral  
 14 load -- no, yes, the first result of their viral  
 15 load that came back as my being positive.  
 16 Q. Just so that we're clear, our  
 17 records, the records for St. Clare's show that  
 18 you treated at Spellman Clinic from November 11,  
 19 1996 through August 15, 1997. So roughly nine  
 20 months. Would that be about the right time  
 21 period, would you agree with that?  
 22 A. Say those dates again, please.  
 23 Q. Those are the dates that you set  
 24 forth in your complaint about the period of  
 25 malpractice?

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1 Williams 112  
 2 you took these drugs that you would experience  
 3 side effects, one of them that you stated  
 4 already is the severe abdominal pain that would  
 5 last for a long time?  
 6 A. Yes.  
 7 Q. Can you give me in terms of  
 8 minutes, hours, how long this abdominal pain  
 9 lasted?  
 10 A. Hours. Hours on end. By the time  
 11 the pain would subside, it's time to take  
 12 another dose of medication.  
 13 In other words, I was taking medication  
 14 to constantly stay in pain and to have diarrhea.  
 15 I was constantly taking medication to be  
 16 nauseated and sick.  
 17 Q. Let me just stay with the abdominal  
 18 pain for a minute. You are saying that the  
 19 reaction to the drugs, the antiretroviral drugs,  
 20 was severe abdominal pain that lasted pretty  
 21 much from the time you took it almost to the  
 22 next time you had to take it during the day?  
 23 A. Pretty much. By the time it  
 24 subsided I had to ingest the pills again. The  
 25 pills obviously dissolved in my stomach and it

1 Williams 110  
 2 A. Okay.  
 3 Q. Those were the dates while at the  
 4 Spellman Clinic, that there was a departure from  
 5 the standard of care during that time period?  
 6 A. Right.  
 7 Q. The drugs that you just named them,  
 8 those are drugs that you took during that time  
 9 frame period, which is approximately nine  
 10 months?  
 11 A. Right.  
 12 Q. In terms of side effects or results  
 13 of taking these drugs, what if any occurred?  
 14 A. I felt like I was dying every time  
 15 I ingested these pills. They had me keeled over  
 16 as though my stomach was pushed to the far  
 17 crevices of my back. I could not stand up  
 18 straight. I could not see straight. I was  
 19 nauseated.  
 20 Q. Are you saying abdominal pain?  
 21 A. Yes.  
 22 Q. Severe abdominal pain?  
 23 A. Yes.  
 24 Q. Would that occur immediately after  
 25 taking the drug?

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1 Williams 113  
 2 caused it again.  
 3 Q. This occurred from the time you  
 4 started taking it, which was after the viral  
 5 load showed high, for how long a period of time  
 6 did you have to take these drugs, until when?  
 7 A. Throughout the period of my  
 8 treatment at St. Clare's.  
 9 Q. During that approximately whole  
 10 nine-month period of time, you had daily pain,  
 11 severe abdominal pain from this.  
 12 A. Yes.  
 13 Q. In addition to the abdominal pain,  
 14 you mentioned nausea. When did that occur?  
 15 A. All this occurred simultaneously,  
 16 right behind one another, at the same time  
 17 period. If I ingested pills today at 12:00, by  
 18 1:00, 1:30, I'm in pain.  
 19 Q. You're in pain and you're nauseous  
 20 as well?  
 21 A. Right. I mean, there are numerous  
 22 things.  
 23 Q. I just want to stay with the nausea  
 24 now. This was a daily occurrence?  
 25 A. Daily occurrence.

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1 Williams 111  
 2 A. Shortly after. I would say, once  
 3 the drug had been dissolved and you know it's  
 4 supposed to be doing its work for me, then the  
 5 symptoms come.  
 6 Q. The first symptom you would  
 7 experience after taking the antiretroviral drugs  
 8 was severe abdomen pain?  
 9 A. Yes.  
 10 Q. It took place within a short period  
 11 of time after taking the drug?  
 12 A. Yes, and it lasted.  
 13 Q. For how long?  
 14 A. A long time. I mean, because mind  
 15 you these pills are taken several times a day.  
 16 So they, you know, I'm in pain several times a  
 17 day, excruciating pain.  
 18 Q. How many times a day were you  
 19 taking the antiretroviral drugs in the early  
 20 months of your treatment?  
 21 A. I think four times a day.  
 22 Q. Would you take one pill of each  
 23 type of drug or do you remember the dosages?  
 24 A. I can't remember that.  
 25 Q. You're telling me that each time

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1 Williams 114  
 2 Q. So would it be fair to say that  
 3 during that time period you were at Spellman and  
 4 under treatment and taking these drugs, that you  
 5 experienced daily nausea?  
 6 A. Yes.  
 7 Q. For long periods of time or shorter  
 8 periods of time?  
 9 A. I was nauseated shortly after  
 10 ingesting the pills.  
 11 Q. Did it pass within a short time or  
 12 did it stay with you; as you said with the  
 13 abdominal pain it lasted from pill to pill. How  
 14 about the nausea, did that last the same amount  
 15 of time or something else?  
 16 A. Sometimes when I throw up, then I  
 17 regurgitated something, and I feel a little bit  
 18 better. But then I would have to ingest  
 19 medication again within a few more hours, which  
 20 would put me right back in that state.  
 21 Q. You mentioned diarrhea. What was  
 22 the frequency of diarrhea during the time period  
 23 you treated at Spellman, was it something that  
 24 you experienced daily, weekly, infrequently,  
 25 everyday or something else?

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1 Williams 115  
 2 A. The diarrhea, it has gotten bad to  
 3 where I've defecated in my clothes.  
 4 Q. Mr. Williams I'm asking in terms of  
 5 frequency, was it everyday, every other day,  
 6 every week or something else?  
 7 You've been able to describe the  
 8 abdominal pain and nausea as being daily.  
 9 A. It was everyday that I took my  
 10 medication. Everyday.  
 11 Q. You had an episode of diarrhea?  
 12 A. And I think they prescribed  
 13 something for my stool, where it helped because  
 14 the diarrhea wasn't -- how could I put it, when  
 15 I had an episode of diarrhea, I mean it was  
 16 just -- I couldn't, I had no control of my  
 17 bowel.  
 18 Q. You had to get to the bathroom  
 19 quickly?  
 20 A. Yes. And if I didn't make it, it  
 21 was like a child having to urinate, you couldn't  
 22 hold it. They gave me something to the point  
 23 where I was able to have some control over it.  
 24 And I think they took me off the Megace,  
 25 I think that was Megace, because Megace was

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1 Williams 118  
 2 two hours at length.  
 3 Q. Other than the numbness, diarrhea,  
 4 nausea and abdominal pain, what other symptoms  
 5 were you exhibiting that you attribute to the  
 6 medication that you were taking?  
 7 A. That I attributed--  
 8 MR. SILVERSON: Would you read back  
 9 the question, please.  
 10 (Whereupon, the prior question was  
 11 read back by the reporter.)  
 12 A. Fatigue.  
 13 Q. Anything else?  
 14 A. Being weak, I didn't have any  
 15 energy. I lost weight, because I couldn't hold  
 16 down my food.  
 17 Q. Since you mentioned weight, what  
 18 was your height and weight in November of 1996  
 19 when you went to St. Clare's Hospital for that  
 20 blood test?  
 21 A. I don't recall. I'm 6 foot 3.  
 22 Q. What is your weight now?  
 23 A. My weight now is 185.  
 24 Q. Do you have any recollection, the  
 25 records will bear out what it is, how much

1 Williams 116  
 2 considered a stool softener. With diarrhea you  
 3 don't need a stool softener. They took me off  
 4 of that and put me on something else and my  
 5 diarrhea wasn't as frequent.  
 6 Q. Other than the abdominal pain,  
 7 nausea and diarrhea, what other side effects, if  
 8 any, did you incur as a result of taking this  
 9 medication; that medication, again, meaning the  
 10 drugs that were combating the HIV positive  
 11 virus?  
 12 A. Numbness.  
 13 Q. Can you describe what part of your  
 14 body felt numb?  
 15 A. My arms and legs.  
 16 Q. In terms of frequency of the  
 17 feeling of numbness, how would you allocate that  
 18 in terms of time?  
 19 A. It's kind of hard for me. It  
 20 wasn't as frequent as the nausea. It wasn't as  
 21 frequent as the abdominal pain. But sometimes  
 22 when I did have those excruciating pains it felt  
 23 like my blood had stopped circulating in my arms  
 24 and legs. That if I tried to stand I couldn't  
 25 feel my legs. If I tried to grab something I

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1 Williams 119  
 2 weight loss do you feel that you incurred as a  
 3 result of having to take these drugs?  
 4 A. I would say five pounds -- five to  
 5 eight pounds.  
 6 Q. So you would be down to the 170s in  
 7 your weight?  
 8 A. No. I was down in the 160s.  
 9 Q. Let me start with the severe  
 10 abdominal pain. Once you started taking these  
 11 drugs and you got this daily severe abdominal  
 12 pains, did you tell anyone at St. Clare's  
 13 Hospital that you were experiencing this side  
 14 effect?  
 15 A. Yes.  
 16 Q. Who did you tell?  
 17 A. Their staff.  
 18 Q. A staff person?  
 19 A. Yes.  
 20 Q. Do you recall when you first  
 21 started to tell them about the complaints?  
 22 A. I don't recall.  
 23 Q. From the day you first started  
 24 taking these drugs, did these side effects start  
 25 hitting you right away or did it take a little

1 Williams 117  
 2 didn't feel it, because I didn't have the normal  
 3 usage of my hands and my limbs. The numbness  
 4 that I got wasn't as frequent, like I said, with  
 5 those episodes of abdominal pain.  
 6 Another time I can recall being aware of  
 7 the numbness was like if I go through an episode  
 8 of abdominal pain and laid down, you know, until  
 9 I can recoup enough to get up and try to  
 10 function a little bit throughout my household, I  
 11 would feel this tingling. And the Naprosyn that  
 12 they gave me didn't work. But the numbness  
 13 wasn't -- I mean, if I moved, exert my hands and  
 14 feet.  
 15 Q. Meaning clutching your fists and  
 16 stretching?  
 17 A. Yes. It was like trying to get the  
 18 blood to circulate, I don't know what. I'm not  
 19 a medical practitioner, but all I could say is  
 20 that I had numbness.  
 21 Q. What is your best estimate of how  
 22 long the numbness lasted in terms of time, as  
 23 best as you can estimate it; or whatever the  
 24 frequency was, how long did it last?  
 25 A. No more than an hour and a half to

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1 Williams 120  
 2 while for them to develop?  
 3 A. I recall complaining about -- like,  
 4 some drugs give me different reactions. When I  
 5 took the medication for the virus, that's when I  
 6 got the stomach pain and nausea and everything  
 7 else.  
 8 But there was other drugs too that I've  
 9 taken. I don't know if it was the Zithromax or  
 10 the Naprosyn or whatever, but I experienced  
 11 feelings, but I don't remember what they were at  
 12 this time.  
 13 Q. In your complaint you refer, in  
 14 addition to the things that you've mentioned,  
 15 that you suffered liver damage as a result of  
 16 taking these drugs. Did you ever speak to a  
 17 physician or have testing on your liver during  
 18 this time period that you were at Spellman,  
 19 which would indicate that you suffered liver  
 20 damage from the ingestion of the antiretroviral  
 21 drugs?  
 22 A. No. But I do recall them telling  
 23 me that my enzymes, the enzyme level was high.  
 24 Q. As of today, are you suffering from  
 25 any type of liver disease or liver damage?

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1 Williams 121  
 2 A. Not that I know of, no. I'm not  
 3 being treated for anything.  
 4 Q. As of today, are you suffering from  
 5 diarrhea?  
 6 A. No.  
 7 Q. How about abdominal pain and/or  
 8 nausea?  
 9 A. No.  
 10 Q. In terms of numbness?  
 11 A. No.  
 12 Q. Did there come a time when you  
 13 stopped taking the antiretroviral drugs?  
 14 A. Yes.  
 15 Q. When was that?  
 16 A. I don't recall exactly when, but I  
 17 remember just stopping.  
 18 Q. Did you take these drugs for the  
 19 nine-month period that you treated at Spellman?  
 20 A. I can't answer that. I don't know.  
 21 I would say, yes, but I can't be sure.  
 22 Q. Did you take them after 1997 into  
 23 1998 and forward?  
 24 A. They just made me too sick. I  
 25 couldn't stomach them.

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1 Williams 124  
 2 Q. Would you be prescribed to take  
 3 that along with the meals that you were eating  
 4 as well?  
 5 A. I was told to take it according to  
 6 the prescription, the prescribed times that they  
 7 told me. Whether it was with meals or not, I  
 8 don't recall.  
 9 Q. During this time period you were  
 10 being treated at St. Clare's, did you ever  
 11 request that they allow you to work, that you  
 12 wanted to go back to work?  
 13 A. I don't recall.  
 14 Q. Were you ever advised by anyone at  
 15 St. Clare's, more specifically Miss Roehrig,  
 16 that you were able to go to work even though you  
 17 were taking these medications?  
 18 A. Yes. I think I was told that. But  
 19 my question to her at the time was how could I  
 20 work when this medication had me in the state  
 21 that it does.  
 22 Q. So that you did tell Miss Roehrig  
 23 that you were having symptoms from the  
 24 medication?  
 25 A. Yes. Oh, yes.

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1 Williams 122  
 2 Q. Would it be fair to say that once  
 3 you stopped taking the drugs the symptoms that  
 4 you described to me stopped?  
 5 A. Oh, yes.  
 6 Q. Did you ever complain to anyone at  
 7 St. Clare's, the staff members, Dr. Lazarus,  
 8 Miss Roehrig, about these other symptoms, the  
 9 nausea, the diarrhea and numbness?  
 10 A. Repeat that question.  
 11 Q. Did you tell anybody at St. Clare's  
 12 during the time period in which you treated,  
 13 about the nausea, the diarrhea and the numbness?  
 14 A. Yes.  
 15 Q. Did any of those staff people at  
 16 St. Clare's either give you medication or change  
 17 your treatment so as to alleviate the symptoms  
 18 while you were there?  
 19 A. Some of the medication was changed,  
 20 but they would not change the cocktail that they  
 21 was giving me.  
 22 Q. The cocktail, meaning the three  
 23 drugs that we talked about?  
 24 A. Yes. Right.  
 25 Q. Prior to getting these drugs, did

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1 Williams 125  
 2 Q. Did she advise you, either she or  
 3 someone at St. Clare's, to change the dosages or  
 4 change the medications to help you alleviate the  
 5 symptoms that you were experiencing?  
 6 A. I don't recall.  
 7 Q. Did she refer you to a nutritionist  
 8 at St. Clare's to help you with your diet,  
 9 during this time period?  
 10 A. Yes.  
 11 Q. Did they give you written material  
 12 and things of that nature to guide you in what  
 13 to eat and try to stay healthy?  
 14 A. That and the Ensure.  
 15 Q. During the time period that you  
 16 were at Spellman, were you still living at  
 17 Project Return?  
 18 A. Part of the time.  
 19 Q. There came a time when you were  
 20 able to leave Project Return?  
 21 A. Yes.  
 22 Q. Where did you go from there?  
 23 A. To the Bronx.  
 24 Q. Was that the Mount Eden address  
 25 that you gave us earlier?

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1 Williams 123  
 2 any medical person at St. Clare's describe for  
 3 you that there might be side effects in taking  
 4 these drugs?  
 5 A. No. Not at all, no.  
 6 Q. So that you went ahead and took  
 7 these drugs with the understanding that there  
 8 would be no side effects?  
 9 A. I took these drugs because they  
 10 said that it would keep the viral load down.  
 11 The viral load staying down would allow me to  
 12 fight off any colds, bacteria or anything that I  
 13 may become infected with, which therefore would  
 14 help me live longer. That's why I took them.  
 15 Q. With the nausea and the diarrhea  
 16 and the pain, how about the diet that you were  
 17 on, were you given any restrictive diet or a  
 18 particular diet to follow while you were under  
 19 treatment?  
 20 A. They gave me Ensure.  
 21 Q. What is Ensure?  
 22 A. It's a dietary supplement. It's  
 23 like a dairy product.  
 24 Q. It's like a vitamin enhancement?  
 25 A. Yes.

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1 Williams 126  
 2 A. No. I forgot the address that I  
 3 had in the Bronx. I think it was in South  
 4 Bronx, like, 170th Street.  
 5 Q. Did you live alone or with somebody  
 6 else?  
 7 A. No, alone.  
 8 Q. Were you working at the time?  
 9 A. No.  
 10 Q. How were you paying for your rental  
 11 each month?  
 12 A. Through public assistance.  
 13 Q. In addition, once you were  
 14 diagnosed HIV positive, did you apply for any  
 15 grants or any additional assistance due to the  
 16 fact that you were diagnosed HIV positive?  
 17 A. I applied, but was denied.  
 18 Q. Did you ever reapply after that  
 19 denial?  
 20 A. Not to my recollection. They  
 21 denied me. By the time I got my denial from  
 22 social security administration, you know, I was  
 23 so tired of being sick everyday, from ingesting  
 24 this medication. So I was just ready to give it  
 25 all up and go on about my life. And if I get

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